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Volume III

Number 5

## Proportional Representation

LAMAR T. BEMAN, A.M., LL.B.,  
Compiler

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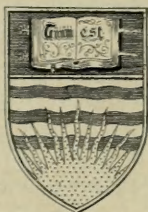
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Volume III

Number 5

Proportional Representation

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## BRIEFS

RESOLVED: *That the Hare system of proportional representation (the single transferable ballot) should be adopted as the method of electing the members of all legislative bodies.*

### AFFIRMATIVE

- I. There are serious evils in the present system of electing representatives to legislative bodies.
  - A. Minorities are not adequately represented.
    1. The minority party will sometimes cast 45 per cent of the votes and elect no representatives at all.
    2. Invariably the minority party fails to elect representatives in proportion to its voting strength.
    3. Minor parties, like the Prohibition Party or the Socialist Party, are usually entirely unrepresented although their vote generally entitles them to some representation.
    4. No representative can truly represent all the voters of his district or ward.
      - a. No voter is represented by an agent whom he would repudiate if he could.
    5. Minorities in one district or ward are not really represented by men of their party or of their belief from other districts.
      - a. Members from other districts or wards have insufficient knowledge, sympathy, and feeling of responsibility.

- B. Majorities are invariably over-represented.
  - 1. They usually elect members out of all proportion to their voting strength.
    - a. This evil is greatly aggravated by gerrymandering.
  - 2. The majority of the members of a legislative body is often elected by a minority of the voters.
    - a. This condition is a natural result of the plurality system of elections.
  - 3. Every legislative body should be truly representative of the voters, if it is to be a democratic government.
    - a. A legislative body is truly representative only when it is a faithful reflection of the electorate.
- C. There are frequent oscillations from one party to the other.
  - 1. A change in public opinion usually makes a very great change in the personnel of legislative bodies.
- D. Men totally unqualified for such service are frequently elected as representatives in all legislative bodies.
  - 1. Very often it is impossible for the best men to be nominated or elected under the present system.
    - a. The political machinery is in the hands of the party managers.
    - b. The independent voter is powerless.
    - c. A few corrupt or controlled voters can turn the scale.
  - 2. Candidates are nominated by the party leaders not because of their ability or integrity, but for their availability.
    - a. They must appeal to voters of many classes.



- b. Weak colorless men often make the best candidates.
  3. Legislative bodies have everywhere deteriorated.
- E. Much bad legislation is enacted.
1. Members of all legislative bodies are afraid of an independent stand.
    - a. They fear to antagonize the party organizations, which are often controlled by powerful private interests.
  2. Many wholesome and needed reforms are thus blocked.
    - a. They have no spokesman on the floors of the legislative halls.
- II. All of these evils could be completely remedied by the adoption of the Hare system of proportional representation.
- A. All inequalities in representation would be removed, for they are all due to plurality elections and the district system.
1. Minorities would be represented in proportion to their numerical strength.
  2. Majorities would no longer be over-represented.
  3. The majority in every representative body will always represent a clear majority of the voters.
- B. The character of representation will be improved.
1. The power of bosses and machines will be destroyed.
    - a. The voters will control the machinery of nomination.
    - b. Undesirable candidates may be de-

feated without danger of splitting the party vote.

2. The power of the independent voters will be greatly increased.
    - a. All votes will be effective.
  3. Political careers will be open to men because of their ability and integrity.
    - a. The larger districts will make it possible for them to appeal to an electorate in accord with their views.
    - b. The dominant party will be forced to select better men.
  - C. Bribery will be much less effective.
    1. The excessive influence of small factions of dishonest voters will cease.
  - D. Better legislation will be enacted.
    1. Reform of all kinds will have a champion and at least get a hearing.
    2. The measures of the majority will be subject to criticism and exposure.
  - E. The oscillations of politics will be diminished.
    1. The disproportionate gain in representation, which now follows a change in public sentiment, will be prevented.
    2. Every legislative body will have more trained and experienced members.
  - F. It will make every legislative body a truly representative assembly.
    1. It will be a mirror of the electorate.
    2. It will have a trained and intelligent opposition.
    3. Systematic continuity in legislation will become possible.
- III. Proportional representation under the Hare system is a practicable measure.
- A. Proportional representation is no longer a mere theory, but it is now extensively used.

1. One-eighth of the population of the world now votes under some form of proportional representation.
2. The Hare system has been used in various parts of this country.
  - a. It has been tried successfully in Cleveland, O., Boulder, Colo., Kalamazoo, Mich., Ashtabula, O., Sacramento, Calif., West Hartford, Conn., and it has been adopted in Cincinnati, O.
  - b. It has been tried in several cities and villages in Canada and in various foreign countries.
- B. It has been uniformly successful wherever it has been tried.
  1. The legislative bodies have been a distinct improvement over what had gone before.
- C. Experience has shown that it is not too complex to be understood by the voters.
  1. All the voter has to do is to mark a figure instead of making a cross in front of the candidates he wants to vote for.
- D. Local interests are adequately represented.
  1. Representatives represent voters, not localities.
  2. Arbitrary ward or district lines have been abolished.
    - a. This has put an end to gerrymandering.
- E. The bad elements of society have not secured representation.
  1. Under proportional representation any group can obtain representation only in proportion to its voting strength.

## NEGATIVE

- I. There is no need for the adoption of the Hare system of proportional representation.
  - A. There are no evils in representation that are due to our system of elections.
    1. The so-called non-representation or under-representation of minorities presents no real evil.
      - a. All voters are indirectly if not directly represented.
      - b. On purely local matters representatives are not bound by party ties.
      - c. On matters of general public interest minority voters are well represented by members from other districts.
    2. The so-called over-representation of majorities presents no real evil.
      - a. The majority in legislative bodies merely accentuates the popular vote.
      - b. A majority, to be effective, must be considerable.
      - c. A majority, however large, cannot be tyrannous for it is controlled by public opinion and is always liable soon to be reduced to a minority.
  - B. Whatever evils may exist in the legislative branches of our government are not due to the system of elections.
    1. Everybody knows that the character of representation is now inferior and that it has deteriorated for the past hundred years, but this is not due to the system of elections.
      - a. It is a condition that is world-wide.
      - b. It has developed gradually for the past one hundred years.

- c. Representatives are what the voters choose they shall be.
    - d. No party or machine is able to elect men contrary to the wishes of the voters.
  2. While much unwise and hasty legislation is enacted, it is what the people want.
- C. Assuming evils to exist, they will not be remedied or even lessened by the adoption of the Hare system of proportional representation.
  1. Representatives would not be essentially different.
    - a. No system can make a legislative body a perfect mirror of all opinions.
  2. Better representatives would not be secured.
    - a. The success of any scheme depends upon the character of the men who work it.
    - b. Human nature would not be altered.
    - c. The dominant parties would not nominate better men.
  3. The effectiveness of bribery would be increased rather than diminished.
    - a. Large districts would permit the combination of corrupt voters more easily.
  4. Legislation would not be improved.
    - a. The actual voting influence of parties would not be changed.
    - b. The mere representation of minorities would actually accomplish nothing.
    - c. All the talk about an intelligent opposition being created and needed reforms being given a hearing is idle.
      - (1) The minority party now creates

a more effective opposition than it would if it were divided.

- (2) All manner of reforms are now given hearings in all legislative bodies.
- (3) Reforms can be advocated as well outside as within legislative bodies.

II. The Hare system of proportional representation is unwise and undesirable.

- A. It would greatly weaken the legislative branch of the government.
  1. The power of obstruction would be greatly increased.
  2. Legislation would tend constantly toward compromise.
  3. Consistent policies would be impossible.
  4. Much time would be wasted in the consideration of vague impracticable schemes.
  5. There would be a marked lack of leadership and of decision.
- B. It would have a bad effect on representation.
  1. Local representation would be destroyed and vast districts would be entirely unrepresented.
  2. The bad elements of society would gain representation.
- C. It would be a severe blow to parties.
  1. Responsibility would be largely destroyed.
  2. A government by small groups would be substituted for government by great parties.
  3. All free governments are party governments.
- D. It is undemocratic.

1. The people always lose interest and do not vote.
    - a. This was true in Kalamazoo. (National Municipal Review. 9:87-8, F. '20).
    - b. This was true in Cleveland, where thousands refused to register or vote.
  2. It would prevent the oscillations of politics, which, in other words, means that it would prevent the people from asserting their will.
- E. It is open to grave dangers and serious abuses.
1. It increases the dangers of dishonesty.
  2. It will introduce false issues.
    - a. The people will divide and vote along racial and religious lines, which not only develops bitterness and strife, but secures the election of incompetent, unworthy, and dishonest men to the lawmaking bodies.

III. The Hare system of proportional representation is impracticable.

- A. Not even the chief advocates of proportional representation have ever been able to agree among themselves as to which one of the various systems is the best.
- B. The Hare system has failed and been abandoned in most of the places in America where it has been tried.
  1. It has been declared unconstitutional by the Supreme Court in California and Michigan.
  2. It has been outlawed by the legislature in Connecticut.
  3. After one election in Cleveland and after the council so elected was given a year

and a half to demonstrate its superiority, a special election was called by an initiated petition, signed by thirty thousand voters, to vote on abandoning the plan, and it was retained by a majority of only 565 votes though it had strong newspaper support.

- C. It is too complicated and cumbersome.
  - 1. It is unintelligible to the average voter.
    - a. Less than 1 per cent of the voters understand how the transfers are made or how the system works.
    - b. Many ballots are not properly marked and are therefore thrown out, thus disfranchising many voters.
  - 2. It is a slow, complicated, and cumbersome method of counting the votes.
    - a. In any large or populous district it will generally take a week to find out who is elected.
    - b. This makes it a very expensive system and adds to the opportunities to manipulate the votes.
- D. No remarkable benefits have anywhere been shown.
  - 1. There has been nothing accomplished where the system has been tried to justify the extravagant claims made for it by its advocates.
    - a. It has not increased interest in elections, but on the contrary the vote has almost always fallen off.
    - b. It has not decreased the power of bosses or broken the hold of political machines.
    - c. It has not materially improved the calibre of representatives.



2. In the one election in Cleveland it has entirely failed to produce any startling results.
  - a. The most undesirable members of the old council were re-elected under the Hare system.
  - b. Most of the four or five independents in the council of twenty-five members are men who have been active in politics in Cleveland for many years.
  - c. The council is fully as much controlled by party organizations as any the city has had in the preceding twenty years.
    - (1) It did not even select the city manager but merely ratified the choice made for it by party leaders.
  - d. The council is unusually weak, lacking leadership and decision.
    - (1) On many important questions it has wobbled, either acting and then rescinding its action, or failing to act at all.
    - (2) It has been severely criticized in the bulletins of the Citizens' League for its lack of leadership.
  - e. No new leadership has been developed, no new blood has been brought into the civic life of the city, and no great piece of legislation has been enacted for the city.



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## REPRINTS

### THE DIFFERENT SYSTEMS OF PROPORTIONAL REPRESENTATION<sup>1</sup>

The various systems of proportional representation are all based upon what is known as the electoral quota. Suppose that in an illustrative state seventy thousand votes are cast for the election of seven representatives on the proportional principle. Now, if seventy thousand can elect seven, then one-seventh of seventy thousand, that is, ten thousand, ought to be able to elect one. Thus ten thousand is the electoral quota in such a case. Every candidate who obtains ten thousand votes is sure of election, and every party is entitled to one representative for each ten thousand votes. This assumes that all these seven representatives are elected from the one electoral district.

The same principle applies to a meeting of seventy persons who elect a committee of seven. Any ten persons voting together ought to be able to elect one of the committee, and the electoral quota is therefore ten. Any candidate obtaining ten votes is sure of election. If sixty persons are electing a committee of five, then any twelve of them ought to be able to elect one; and so on, whatever the number of electors or of representatives.

The theoretical basis of the electoral quota is, therefore, to divide the number of votes cast by the number of seats to be filled; in other words, to divide all the votes by all the seats. This gives what may be termed the "large quota." But in practice it is found that a smaller quota is sufficient to insure the election of any candidate and there are simple rules for finding such a quota.

Then comes the working out of the quota principle

<sup>1</sup> By Robert Tyson. *New Encyclopedia of Social Reform*. p. 975-7.

in contested elections. This can best be shown by the descriptions of specific systems.

### THE HARE SYSTEM

We take first the Hare or Hare-Spence system, as being more explanatory of the proportional principle than any other, and we describe it in a colloquial way. If you are voting on the Hare-Spence system in a seven member electoral district, you mark your ballot for seven candidates or less in the order of your choice, with the figures 1, 2, 3, 4, 5, 6, 7. The man whom you like best you mark number 1, the next best number 2, and so on in rotation. If your vote goes to help the candidate of your first choice to be elected, then it does not count for anybody else. But if the candidate whom you have marked number 1, your first choice, has enough votes without yours or has so few votes that he cannot be elected, then your vote goes to the man whom you have marked number 2. If your number 2 does not need or cannot use your vote, then it is passed on to number 3, and so forth.

In counting the votes, the first operation in the Hare system is to sort out the ballots into as many compartments as there are candidates, according to the first choice or number 1 votes, paying no attention for the present to the other figures on the ballots. While this is being done two tally clerks are keeping tally of the votes. When the total number of votes is thus ascertained, it is divided by seven, which is the number of members to be elected. This gives the quota, or number of votes required to elect any one man. For instance, if seven members are to be elected and fourteen thousand votes have been cast, the quota will be two thousand.

This is the large quota. If the more accurate smaller quota of Mr. Droop is used, the process is this: Divide the fourteen thousand votes by one more than the seven seats and add one to the quotient. This gives seventeen hundred and fifty-one as the electoral quota.

Any candidate getting seventeen hundred and fifty-one votes is sure of election, because if seven candidates get seventeen hundred and fifty-one votes each, there are not votes enough left to put an eighth candidate on a par with them.

Then any one of the candidates who has a quota or more than a quota is declared elected. If he has more than a quota, his surplus ballots are transferred to such of the other candidates as may have been marked number 2 on the ballots so transferred. If the candidate marked number 2 on any of these ballots has already been elected, then the ballot goes on to number 3, and so on.

It never happens that the full number of members required have quotas of first choice votes; so we then begin at the other end, take the man at the foot of the poll, with the lowest number of votes, declare him "out of the count," and then distribute the whole of his votes among the remaining candidates, according as indicated by the voters themselves, each on his own ballot. This process of elimination is repeated until seven of the candidates either get a quota or come the nearest to it, and these seven are the elected ones.

From the above it will be seen that there are four chief factors in the Hare system of proportional representation: (1) The multiple electoral district, that is, a district from which several members are elected—not less than five, and more being better, up to the limit of balloting convenience. (2) The single vote, that is, each elector has one vote only which finally counts. (3) The electoral quota. (4) The transfer of votes. Two or more of these factors are common to all systems of proportional representation.

#### THE GOVE PLAN

Honorable William H. Gove (Salem, Mass.) has devised a system on the same general principles as the Hare plan, but greatly simplified. After nomination and

before election each candidate publishes, in a certain formal way, a preferential list of those other candidates to whom he directs that any necessary transfers of his votes shall be made; that is, his surplus, if any, or all his votes if he be eliminated. Then at the election each voter marks only one name on his ballot. The counting and the use of an electoral quota are the same as in the Hare system, except that the candidates' lists are used instead of the voters' second or subsequent choices, and actual ballots are not transferred. Transfers are made by calculation only, so that the ballots have not to be brought to one central place for counting.

#### THE JAPANESE SYSTEM

A simpler plan still is used in Japan. In multiple electoral districts each elector has one vote only. The districts vary in electoral size from five members to fifteen. There is no electoral quota, and there are no transfers. The votes are simply counted, and the required number of members taken from the head of the poll. This frequently gives a true proportional, because the process is just the same as if only the first choices were counted in the Hare system, and often in that system those who head the poll on the count or first choices are those ultimately elected. In any event the only difference the transfers makes is a difference of one member or two at most. The explanation is that the tendency of electoral transfers is from the weaker to the stronger candidates. Therefore, the simple single vote in a multiple district is approximately proportional.

#### THE PROXY SYSTEM

An addition to the Japanese system is proposed by Mr. John H. Berry of Salem, Mass., and has been twice or three times embodied in a bill before the Massachusetts legislature, but not passed. It gives each elected repre-



sentative as many votes on a division as he has received from his constituents at his election, and provides a simple and ingenious plan by which any voter may transfer his vote from one representative to another, or from an unsuccessful to a successful candidate, thus enabling voters to withdraw support from an unfaithful representative, and insuring that every voter can be represented if he chooses.

### CUMULATIVE VOTING

A plan called cumulative voting was used for thirty years in the election of English school boards. It is now (1908) in use in the state of Illinois for legislative elections in three-member districts, districts really too small for really good working. Each elector has as many votes as there are candidates to be elected, and he may divide these votes among several candidates or cumulate them all on one or two of the candidates, as he pleases. The more the voters cumulate, the more proportional is the result. Cumulative voting, used as a system by itself, is an imperfect plan, and leads to great waste of votes. It is used in multiple districts.

### THE LIST SYSTEMS

Between systems of proportional representation there is a distinct line of cleavage; that between list systems and the non-list methods we have been describing. A marked feature of the list systems is that either the single vote, the multiple vote, or the cumulative vote may be used with them. They all require that the candidates be divided into party lists on the ballots; hence the name. Each list has its appropriate party heading. A vote counts both for the list and for the individuals in it to whom the vote is given. The process of counting is to ascertain the grand total of votes and the total for each list. Then the electoral quota is obtained in one of the

ways already mentioned, or by mathematical methods such as the d'Hondt plan, which is adapted to list systems only, and gives a smaller quota than even the Droop. Next the lists are divided in turn by the electoral quota, thus showing the number of representatives to which each list is entitled. These representatives are chosen from the candidates having the largest number of votes.

In Switzerland the system is called the free list, and the multiple vote is chiefly used in connection with it, only one canton having the cumulative vote instead. The effect of the multiple vote, so used, is to give proportional results as between parties, but not as between members of the same party. In Belgium the single vote is used with the lists, each elector having one vote only, but the nominating arrangements are such as to give a great power to the party organizations.

#### THE ABSOLUTE MAJORITY METHOD

Akin to proportional representation is the preferential plan of securing an absolute majority at one balloting when electing a single officer such as a governor or mayor, no matter how many candidates are running. There is also the great advantage of promoting free nomination of candidates, because a weak candidate can be nominated without fear of cutting into the vote of a stronger candidate in the same interest. The method is simply that of the Hare or Gove system without the electoral quota. The counting finally concentrates the whole vote on two of the candidates, one of whom must then have a clear majority, barring a tie, which then is dealt with in the ordinary way. When at the same election both single officers and representatives have to be chosen, it is an advantage to use a similar method of balloting for each kind of election.

ONE-EIGHTH OF WORLD'S PEOPLE UNDER  
PROPORTIONAL REPRESENTATION<sup>1</sup>

Approximately quarter of a billion people, well over one-eighth of the earth's population (estimated, 1922, at 1,747,000,000), are living in proportional representation territory—nations or other governmental units throughout which proportional elections are held for important representative bodies by direct popular vote. The complete figures, according to latest available information, are as follows:

## POPULATIONS USING PROPORTIONAL REPRESENTATION, JULY 1, 1925

## SINGLE TRANSFERABLE VOTE OR HARE SYSTEM

This list does not include the Union of South Africa (population, 1921 census: 6,922,813), which elects its Senate by proportional representation, but indirectly through an electoral college; Denmark (population, 1921 census: 3,283,000), which also elects its upper house (Landsting) by the single transferable vote through an electoral college, the lower house (Folketing) being elected by a list system of proportional representation; the Dominion of New Zealand as a whole (population, 1921 census: 1,218,913), for whose Legislative Council (upper house) proportional representation has been prescribed since 1915 but without much prospect of actual use; the city of Sacramento, Calif., (population, 1920 census: 65,857), whose present Council was elected under proportional representation provisions which have since been declared unconstitutional by the California courts; the town of West Hartford, Conn. (population, 1920 census: 8,854), where proportional representation has been used by municipal ordinance for the last two elections, but has recently been prohibited by act of the Connecti-

<sup>1</sup> *Proportional Representation Review*. July, 1923. p. 62-65. And corrected to July 1, 1925 by George H. Hallett, Jr.

cut legislature; nor Kalamazoo, Mich., which adopted proportional representation in 1918 and used it for two elections, but had to give it up because it was declared unconstitutional by the Supreme Court of the state.

Scotland (all school boards).....	4,882,288	(1921 census)
Ireland (Parliament of Northern Ireland and all important repre- sentative bodies in Free State)..	4,496,000	(1922 estimate)
New South Wales (Legislative As- sembly) .....	2,099,763	(1921 census)
United States		
Cleveland, O., (Council).	796,841	(1920 census)
Ashtabula, O., (Council).	22,082	(1920 census)
Boulder, Colo., (Council).	11,006	(1920 census)
Cincinnati, O., (Council).	401,247	(1920 census)
<hr/> Total .....	1,231,176	

#### Canada

Winnipeg (Council and members of Manitoba Legislature) .....	179,087	(1921 census)
Calgary (Board of Alder- men, School Board, Hospital Board and members of Alberta legislature) .....	63,305	(1921 census)
Edmonton (Board of Ald- ermen and members of Alberta legislature).	58,821	(1921 census)
South Vancouver (Dis- trict Council) .....	36,000	(1923 estimate)
Regina (Board of Alder- ermen, School Trus- tees) .....	34,432	(1921 census)
Saskatoon (Board of Ald- ermen, School Trus- tees, Hospital Board)..	25,739	(1921 census)
Moose Jaw (Board of Ald- ermen) .....	19,285	(1921 census)
St. James, Man. (Coun- cil) .....	12,099	(1922 census)
West Vancouver, B. C. (District Council) ....	4,500	(1923 estimate)
North Battleford, Sask., (Board of Aldermen, School Trustees) .....	4,108	(1921 census)
<hr/> Total .....	437,376	

Costa Rica .....	576,581	(1922 estimate)
Tasmania (Parliament) ...	213,877	(1921 census)
Malta (House of Assembly and general members of Senate).....	211,864	(1921 census)
New Zealand		
Christchurch (Municipal Council) .....	105,670	(1921 census)
Westport (Municipal Council) .....	4,000	(estimate)
Runanga (Municipal Council) .....	1,400	(estimate)
	<hr/>	
Total .....	111,070	
India (3 selected constituencies) .....	.....	
England (certain University constituencies for the House of Commons) .....	.....	
East London, Cape of Good Hope (Council).	14,800	(1924 estimate)
	<hr/>	
Total under Transferable Vote .....	14,274,795	

### LIST SYSTEMS OF PROPORTIONAL REPRESENTATION

This list does not include France (Population, 1921 census: 39,402,739), which applies the principle of proportional representation only in departments in which no party polls a majority of the votes. Except where otherwise noted (Argentina), proportional representation is used for national elections. It is used for many provincial and local elections also.

Germany .....	59,858,284	(1919 census)
Poland .....	26,376,103	(1921 census)
Roumania .....	17,393,140	(1917 census)
Czecho-Slovakia .....	13,595,818	(1921 census)
Jugo-Slavia .....	11,600,000	(1922 estimate)
Belgium .....	7,684,272	(1921 census)
The Netherlands .....	6,841,155	(1920 census)
Austria .....	6,131,715	(1920 census)
Sweden .....	5,903,762	(1920 census)
Lithuania .....	4,500,000	(1922 estimate)
Bulgaria .....	4,337,513	(1920 census)
Switzerland .....	3,880,320	(1920 census)
Denmark .....	3,283,000	(1921 census)

Finland .....	3,241,000	(1922 estimate)
Cuba .....	2,898,905	(1919 census)
Norway .....	2,646,306	(1920 census)
Argentina		
Provinces of Buenos Aires and Mendoza (Provincial elections) .....	2,500,000	(1922 estimate)
Latvia .....	1,813,000	(1921 estimate)
Uruguay .....	1,404,953	(1921)
Esthonia .....	1,250,000	(1923 estimate)
Portugal (Members of Parlia- ment from the two largest cities)		
Lisbon .....	500,276	(1920 census)
Oporto .....	215,981	(1920 census)
	<hr/>	
Total .....	716,257	
Saar Valley .....	657,870	(1919 census?)
Danzig .....	351,380	(1919)
Luxemburg .....	263,824	(1916 census)
Iceland .....	94,690	(1920 census)
San Marino .....	12,027	(1920 census)
Liechtenstein .....	10,716	(1912)
Hungary (for city elections)..	9,000,000	(1919 estimate)
List System Total .....	198,336,019	
Hare System Total .....	14,274,795	
Total under proportional representation (inferior forms of "minority representation" not included).	212,610,814	

## NOMINATIONS AND ELECTIONS UNDER PROPORTIONAL REPRESENTATION <sup>1</sup>

### NOMINATIONS AND ELECTIONS

#### GENERAL LAWS TO APPLY

Sec. 157. All elections provided for by this Charter, whether for the choice of officers or the submission of questions to the voters, shall be conducted by the election authorities prescribed by general law; and the provisions of the general election laws of the State shall apply to

<sup>1</sup> Sections 157-64 of the Charter of Cleveland.

all such elections except as provision is otherwise made by this Charter. A regular city election for the choice of members of the Council shall be held on the first Tuesday after the first Monday in November in the odd numbered years.

NOMINATION BY PETITION

Sec. 158. Any person eligible to the Council may be placed in nomination therefor by a petition filed in his behalf with the election authorities and signed by at least five hundred electors of the district for which he seeks to be a candidate. Signatures to nominating petitions need not all be appended to one paper but to each separate paper there shall be attached an affidavit of the circulator thereof stating that each signature thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his name in ink or indelible pencil and, after his name, shall designate his residence by street and number, or other description sufficient to identify the place, and give the date when his signature was made. If any elector sign petitions for more than one candidate his signature shall be invalid except as to the petition first signed.

NOMINATING PETITION PAPERS

Sec. 159. The form of nominating petition papers shall be substantially as follows:

We, the undersigned, hereby present.....  
 whose residence is.....Cleveland, Ohio,  
 as a candidate for the Council, to be voted for at the election  
 to be held on the.....day of November, 19....; and we  
 individually certify that we are qualified to vote for candidates  
 for the Council, and that we have not signed a petition nominat-  
 ing any other person for the Council to be voted for at such  
 election.

Name	Street and Number	Date
.....	.....	.....
.....	.....	.....
.....	.....	.....

State of Ohio,  
Cuyahoga County, ss.:

.....being duly sworn deposes and says that he is the circulator of this petition paper and that the signatures appended thereto were made in his presence and are the genuine signatures of the persons whose names they purport to be.

Signed.....

Subscribed and sworn to before me this.....day  
of....., 19.....

.....

Notary Public.

#### FILING AND VERIFICATION OF PETITIONS

Sec. 160. All separate papers comprising a nominating petition shall be assembled and filed with the election authorities as one instrument at least forty days prior to the first Tuesday following the next succeeding first Monday in November. Within ten days after the filing of a nominating petition the election authorities shall notify the person named therein as a candidate whether the petition is found to be signed by the required number of qualified electors. Any eligible person placed in nomination as hereinbefore provided shall have his name printed on the ballots if, within five days after such notifications, he shall have filed with the election authorities a written acceptance of the nomination.

#### BALLOTS

Sec. 161. Ballots used in electing members of the City Council shall be without party mark or designation, and shall be marked by the electors according to the instructions printed thereon under the heading "Directions to Voters," as specified in this section. Except that the names of candidates shall appear in the spaces indicated therefor and that the spaces left for the number of the district and date of the election shall be filed with such



number and date, the ballots shall be in form substantially as follows:

REGULAR CITY ELECTION

District.....  
 November....., 19....

Directions to Voters

Put the figure 1 opposite the name of your first choice. If you want to express also second, third and other choices, do so by putting the figure 2 opposite the name of your second choice, the figure 3 opposite the name of your third choice, and so on. In this way you may express as many choices as you please. The more choices you express, the surer you are to make your ballot count for one of the candidates you favor.

This ballot will not be counted for your second choice, unless it is found that it cannot help your first choice; it will not be counted for your third choice unless it is found that it cannot help either your first or your second, etc.

A ballot is spoiled if the figure 1 is put opposite more than one name. If you spoil this ballot, tear it across once, return it to the election officer in charge of the ballots, and get another one from him.

.....  
 .....  
 .....  
 .....

ROTATION OF NAMES

Sec. 162. The names of candidates for the Council shall be printed on the ballots in rotation as follows:

The ballots for each district shall be printed in as many series as there are candidates for the Council for such district. The whole number of ballots to be printed for the district shall be divided by the number of series and the quotient so obtained shall be the number of ballots printed in each series. In printing the first series of ballots the names of candidates shall be arranged in the alphabetical order of their surnames. After printing the first series the first name shall be placed last and the next series printed, and this process shall be repeated until each name shall have been printed first in one

series. The ballots so printed shall be combined in tablets to be supplied to the various voting places. Each tablet shall contain substantially the same number of ballots from each series, and, so far as practicable, the ballots shall be combined in such manner that two or more from the same series shall not be together in a tablet.

#### BLANK SPACE ON BALLOTS

Sec. 163. A blank space shall be left on the ballots below the printed names of the candidates. In any such space an elector may write the name of any person eligible to the Council, and votes cast for such persons shall be counted as though for candidates whose names are printed on the ballots.

#### RULES FOR COUNTING BALLOTS

Sec. 164. Ballots cast for the election of members of the Council shall be counted and the results determined by the election authorities according to the following rules:

(a) On all ballots a cross shall be considered equivalent to the figure 1. So far as may be consistent with the general election laws, every ballot from which the first choice of the voter can be clearly ascertained shall be considered valid.

(b) The ballots shall first be sorted and counted at the several voting precincts according to the first choices of the voters. At each voting precinct the ballots cast for each candidate as first choice shall be put up in a separate package, which shall be properly marked on the outside to show the number of ballots therein and the name of the candidate for whom they were cast. The ballots declared invalid by the precinct officials shall also be put up in a separate package, properly marked on the outside. All the packages of each precinct, together with a record of the precinct count, shall be promptly forwarded to the central election authorities as directed

by them, and the counting of the ballots cast in each district shall thereafter be carried on by a central counting board for each such district, appointed by the central election authorities and acting under their direction.

(c) After the review of the precinct count of its district by the central district counting board, and the correction of any errors discovered therein, the first choice votes of each candidate shall be added and tabulated. This completes the first count.

(d) The whole number of valid ballots cast in the district shall then be divided by a number greater by one than the number of seats to be filled in the district. The next whole number larger than the resulting quotient is the quota or constituency that suffices to elect a member.

(e) All candidates the number of whose votes on the first count equals or exceeds the quota shall then be declared elected.

(f) All votes obtained by any candidate in excess of the quota shall be termed his surplus.

(g) Any surpluses there may be shall next be transferred, the largest surplus first, then the next largest, and so on, according to the following rules.

(h) In the transfers of a surplus, transferable ballots up to the number of votes in the surplus shall be transferred to the continuing candidates marked on them as next choices, in accordance with rule (m). The particular ballots to be taken for transfer as the surplus of a candidate shall be obtained by taking as nearly an equal number of ballots as possible from the transferable ballots that have been cast for him in each of the voting precincts. All such surplus ballots shall be taken as they happen to come without selection.

(i) "Transferable ballots" means ballots from which the next choice of the voter for some continuing candidate can be clearly ascertained. A "continuing candidate" is a candidate as yet neither elected nor defeated.

(j) Whenever a ballot is transferred from one can-

didate to another, it shall be tallied or otherwise recorded by a tally clerk assigned to the candidate to whom it is being transferred. Each tally clerk shall take care not to receive for his candidate by transfer more ballots than are required to complete the quota.

(k) The votes standing to the credit of each candidate shall be added and a tabulation of results made whenever a comparison of the votes of the several candidates is necessary to determine the next step in the procedure. Each tabulation, together with the transfers of ballots made since the preceding tabulation is referred to in this section as a "count."

(1) After the transfer of all surplus (or after the first count if no candidate received a surplus) every candidate who has no votes to his credit shall be declared defeated. Thereupon the candidate lowest on the poll as it then stands shall be declared defeated and all his transferable ballots transferred to continuing candidates, each ballot being transferred to the credit of that continuing candidate next preferred by the voter in accordance with rule (m). Thereupon the candidate then lowest shall be declared defeated and all his transferable ballots transferred in the same way. Thus the lowest candidates shall be declared defeated one after another and their transferable ballots transferred to continuing candidates.

(m) Whenever in the transfer of a surplus or of the ballots of a defeated candidate the vote of any candidate becomes equal to the quota, he shall immediately be declared elected and no further transfer to him shall be made.

(n) When candidates to the number of seats to be filled have received a quota and have therefore been declared elected, all other candidates shall be declared defeated and the election shall be at an end; or when the number of continuing candidates is reduced to the number of seats still to be filled, those candidates shall be

declared elected whether they have received the full quota or not and the election shall be at an end.

(o) If when a candidate is to be declared defeated two or more candidates at the bottom of the poll have the same number of votes, that one of the tied candidates shall first be declared defeated who was credited with the fewest votes at the end of the count next preceding, and any further tie shall be decided on the same principle. Any tie not otherwise provided for in this section shall be decided by lot.

(p) In the transfer of the ballots of any candidate who has received ballots by transfer, those ballots shall be transferred first which he received by the count next preceding, and the rest shall be transferred in the reverse order of the counts by which he received them.

(q) On each tabulation a record shall be kept, under the designation "ineffective ballots," of those ballots which no longer stand to the credit of any elected or continuing candidate and which are not transferable.

(r) Every ballot which is transferred from one candidate to another shall be stamped or marked so that its entire course from candidate to candidate throughout the counting can be conveniently traced.

(s) The ballots shall be preserved by the election authorities until the end of the term for which the members of the Council are being elected.

(t) Any recount of the ballots shall be made by the central election authorities in accordance with this section except that the reference to voting precincts may be disregarded. In any recount every ballot shall be made to take the same course that it took in the original counting, unless there is discovered a mistake that required its taking a different course. In such case any required changes shall be made in the course taken by the ballot. These principles shall apply also to the correction of any error that may be discovered during the original counting.

(u) The candidates or their agents, representatives of the press, and, so far as may be consistent with good order and with convenience in the counting and transferring of the ballots, the public shall be afforded every facility for being present and witnessing these operations.

(v) The Council shall have power to provide for the use of mechanical or other devices for marking and sorting the ballots and tabulating the results, and to modify the form of the ballot, the directions to voters, and the details in respect to the method of counting and transferring ballots accordingly; provided, however, that no change shall be made which will alter the principles of the voting or of the counting.

## MEMORANDA AND BRIEFS ON PRO- PORTIONAL REPRESENTATION<sup>1</sup>

### ALLEGED DEFECTS OF THE PRESENT SYSTEM

The present system of electing representatives by plurality or relative majority is believed by advocates of proportional representation to be gravely defective and indeed likely to thwart some of the fundamental objects which the founders of the commonwealth intended to carry out.

It is pointed out that in the state senatorial election of 1916, which covered only twenty-five districts, or half the state, not less than 236,957 voters marked their ballots for candidates who were not elected. In half of the state, in other words, there were 236,957 voters who were "represented" in the Senate by men whom they did not want. In the remaining districts, which held senatorial elections, in 1918, the number of voters whose votes for senator were ineffective in the same way, was 207,555. This makes the total of ineffective votes for the present Senate (disregarding elections to fill vacancies) 444,512,

<sup>1</sup> By William Draper Lewis. *Report of the Pennsylvania Commission on Constitutional Amendment and Revision* 1920. Vol. 2. p. 946-58.

or more than two-fifths of the votes cast. Advocates of proportional representation maintain that nearly all votes for members of legislative bodies can and should be made effective by helping to elect a member.

The present system of election, it is claimed, often results in grave unfairness to one or more parties. The senatorial elections just referred to furnish an example of this.

ELECTION OF THE PRESENT SENATE OF PENNSYLVANIA

The figures in this table are for the senators actually holding office January, 1919 (including Senators Sproul and Beidleman, whose vacancies had not yet been filled). Vacancy elections occurring since January, 1919, have been disregarded.

Party	Total vote for senators	Senators elected	Senators in proportion to vote	Senators, more (+) or less (-), which the party should have
Republican.	589,998	45 (six endorsed by Democrats)	30	-15
Democratic.	359,914	5	18	+13
Socialist. . . .	33,167	0	1	+ 1
Prohibition.	26,311	0	1	+ 1
Washington	14,873	0	0	
Totals.		50	50	

An example from our national elections is furnished by the congressional elections of 1912, in which the Progressive Party, which cast 4,106,247 votes for President, about 28 per cent of the total number cast, should,

according to the principle of proportionality (assuming that its vote for congressmen was nearly as large as its vote for President) have elected more than a hundred members of the national House. In fact, however, the votes of the Progressives were so distributed among the districts that they elected only eighteen congressmen. If the same number of Progressive votes had happened to be distributed among the districts to the best possible advantage, the Progressive would have won a majority of the seats. It is pointed out that neither this result nor that which actually occurred seems fair, and that a system which makes such results possible seems an unstable basis for orderly progress in accordance with the will of the people.

The advocates of proportionate representation further show that the present system may result in the election of a majority of the legislative body by a minority of the voters. In fact, that is what usually happens. The reason why it is not noticed is because usually—not invariably—a majority of the voters agree with the ruling minority.

For example, twenty-six Republican members of the Pennsylvania Senate in office January, 1919, were elected by 350,308 out of a total vote for the whole state of 1,029,208. (These senators were from districts 1-8, 10, 12-14, 16, 17, 19, 22, 23, 25, 26, 28, 30, 32-34, 37 and 38.) That is, 52 per cent of the Senate was elected by less than 35 per cent of the voters. If all the other voters, 678,900 in all, had voted the Democratic ticket, the Republicans would still have had a majority in the Senate.

Similarly a Democratic minority of 35 per cent might some time win a majority of seats in the Senate. In fact, if certain Republican voters, numbering less than 6 per cent of the total number of voters in the state, had moved to Philadelphia and had helped to swell the Republican majorities there instead of voting elsewhere in the state, the Democrats would have a majority in the present state Senate.



Actual cases in which a minority party has captured a majority of the seats are not hard to find. In the Kansas congressional elections of 1916, for example, the Democrats polled fewer votes than the Republicans, but succeeded in electing five of the state's eight representatives.

Sometimes, it is true, such results may be partly due to the fact that more votes are cast in some districts than in others. But the possibility of such a result is inherent in the present system of electing representatives, even if there are the same number of voters in all the districts. Suppose that the Republicans have won in twenty-three of the fifty senatorial districts in Pennsylvania with an average majority in each district of five thousand and that the Democrats have won in twenty-seven with an average majority of one hundred in each. Then evidently the Democrats have won a majority of the seats in spite of having cast 112,300 fewer votes than the Republicans.

It is obvious that the chances of this kind of result are likely to be increased where more than two parties are contesting the seats, or where, as at primary elections, there are several contending factions within a party. Combining the possibilities in both elections it is possible for a small but compact minority of the electorate first to capture the nomination of a large party and then to win in the final election.

The advocates of proportional representation propose a system of voting which is calculated to eliminate what they believe to be the inequalities of the present system, and to make more effective the vote of every elector.

#### THE PROPORTIONAL SYSTEM

Proportional representation is a system of voting which enables every united group of voters to win a share of the seats in a representative body in proportion to the vote it polls.

The essential difference between the proportional system and the present system is merely a difference in

the character of the constituency or quota which elects each member. Consider the two systems, for example, in connection with the election of the state senate.

Under the present system the state is divided into fifty districts, equal in population as nearly as may be, and each of the districts elects one senator. This is just as "proportional" a system, arithmetically speaking, as the very different system which goes by that name, for each fiftieth of the population "elects," in a sense, one of the fifty senators. But the quota in this case, the fiftieth which elects a senator, is a quota of people who, though they live together, do not think together. Though they are united geographically inside of an imaginary line on the map, they are not united on any one man for senator. If, therefore, it is such a quota that must be represented by each senator, it is obvious that all the voters in each district who do not happen to agree with the largest organized group will not actually be represented.

Under the proportional system the state would be divided into a few much larger districts, each of which would elect several senators. And a system of voting would be used which would give every group of voters who desired the same man or men for the Senate their proportional share of those elected by the district. It is evident that this would work out in the election of each senator by about a fiftieth of the voters of the state who are united in wanting him as their representatives instead of by about a fiftieth who disagree but who happen to live within one of the present districts.

It is maintained by proportionalists that a unanimous-constituency or proportional system carries out the fundamental democratic principles intended as the basis of our state government by those who founded and developed it far better than does the present system of election, which was apparently adopted only because the proportional system was unfamiliar to them; that the

purpose of these founders was to give to the electors an equal share in the election of the representative body, and that only the unanimous-constituency or proportional system can accomplish that purpose.

PROGRESS OF PROPORTIONAL REPRESENTATION

The proportional system of electing representatives is used in the following countries and communities :

*List system.*

(Provinces, cantons and municipalities using proportional representation omitted from this list.)

Servia (1888)	Denmark (1918)
Belgium (1899)	Switzerland (1918)
Finland (1906)	Germany (1918)
Cuba (1908)	Austria (1918)
Sweden (1909)	Armenia (1918)
Uruguay (1910)	Czecho-Slovakia (1918)
Bulgaria (1911)	Poland (1919)
Portugal (Lisbon and Oporto —1911)	Luxemburg (1919)
Costa Rica (1913)	Italy (1919)
Iceland (1916)	France (defective system 1919)
The Netherlands (1917)	

*Hare system.*

- Tasmania (1896—Parliament, partial)
- Tasmania (1907—Parliament)
- South Africa (1909—Senate and some cities of the Transvaal)
- Transvaal (1914—cities)
- Ireland (1914—Senate and part of Commons, under “Parliament of Ireland Act”)
- Ashtabula, Ohio (1915—elections in November, odd-numbered years)
- New Zealand (1915—Legislative Council; optional for cities)
- Sydney, Australia (1916)
- Durban, South Africa (1916)
- Calgary, Alberta (1916)
- Boulder, Colorado (1917)
- British Columbia (1917—optional for cities; since adopted by Vancouver, Victoria and others)
- Kalamazoo, Mich. (1918—elections in November, odd-numbered years)
- Great Britain (1918—eleven seats in Commons)
- Scotland (1918—school boards)
- Sligo, Ireland (1918)

New South Wales (1918—legislative assembly)

Ireland (1919—municipalities; elections in 126 held on January 15, 1920)

The first of these two groups use the so-called list system of proportional representation for parliamentary elections. It will be noticed that these are all non-English-speaking countries.

The second group, all of which are English-speaking, use the Hare system of proportional representation, which is intended not only to give the right number of seats to each party, but also to provide the means by which the voters of each party can exercise, without any primary elections, complete control over the selection of the candidates to fill the seats won by the party. It is also intended to give to independent voters, who wish to cross party lines, the means of making their ballots effective. It is on account of these additional features of the Hare system that it is preferred to the list system by the leading authorities in all English-speaking countries.

Advocates of proportional representation point to its rapid spread among the leading countries of the world as indicated by the dates in the above tables. Twelve countries have adopted it for parliamentary or other important public elections since July, 1919. In this country the proportional system has been adopted by popular vote in three small cities—Ashtabula, Ohio, Boulder, Colorado and Kalamazoo, Michigan. In Cleveland, Ohio, there is a considerable agitation for its adoption. I am informed that experience shows that the great majority of our citizens are ready to support proportional representation as soon as it is explained to them.

The proportional system is generally supported by leading statesmen of all parties in those countries which have adopted it. In Great Britain, where it has not yet been adopted for general use in parliamentary elections, it is supported by many statesmen of different parties, including the following: the Archbishop of Canterbury,

A. J. Balfour, H. H. Asquith, Viscount Bryce, the Marquis of Lansdowne, the Earl of Selborne, Lord Robert Cecil, Earl Loeburn, formerly Attorney General and Lord Chancellor, General Jan C. Smuts, Sir Horace Plunkett, Viscount Milner, Sir John Simon, Lord Rhonda, Lord Astor, Philip Snowden, and Robert Smillie, president of the Miner's Federation of Great Britain.

In this country I am informed that the movement is supported by labor organizations and minority parties and by many students, including the directors of various municipal research bureaus, and most of the professors of political science. It has the support of the following well-known men and women:

William Dudley Foulke, ex-president, National Municipal League;

Charles W. Eliot, LL.D.;

Senator George W. Norris;

John H. Finley, Commissioner of Education of New York state;

Mrs. C. C. Catt, president, National American Woman Suffrage Association;

Henry R. Seager, ex-president, American Economic Association;

Moorfield Storey, ex-president, American Bar Association;

Samuel Gompers;

Duncan McDonald, president, Illinois State Federation of Labor;

General E. H. Crowder;

Judge Ben B. Lindsey;

Charles P. Steinmetz;

Alexander Graham Bell;

George Eastman;

Charles A. Beard, director of the Bureau of Municipal Research of New York;

Frederick A. Cleveland, formerly director of the Bureau of Municipal Research of New York;

Nelson S. Spencer, president of City Club of New York;

Mrs. Raymond Robins, president of National Women's Trade Union League;

James H. Maurer, president of the State Federation of Labor;

John A. Phillips, its vice-president;

Senator Robert L. Owen;

Samuel McCune Lindsay, LL.D., ex-president of American Academy of Political and Social Science;

George Burnham, Jr., of Philadelphia;

Jeremiah W. Jenks, professor of Government, New York University;

Richard S. Childs, founder of the Short Ballot Organization;

Harold S. Battenheim, editor-in-chief of the *American City*.

The National Municipal League at its last convention went on record in favor of proportional representation for state legislatures by unanimous vote.

In Pennsylvania the Central Labor Union of Philadelphia, the Permanent Legislative Committee of Nineteen, representing a conference of twenty labor organizations, the Socialist party and a number of other organizations are recorded as favorable to the system.

### ✓ THE HARE SYSTEM

The organized supporters of proportional representation urge the Hare system of proportional representation for any constitutional convention that may be called and for at least one House of the legislature.

If the Hare system of proportional representation were prescribed for the House of Representatives, the state would be divided into districts larger than the present districts, which would elect several members each. I have annexed to this brief, as Exhibit "A," a suggested schedule for such districts, prepared by the American Proportional Representation League. The districts need not be equal in population, because to each district are assigned as many representatives as its population requires. It is considered advisable not to make the districts too large where the population is sparse.

Nominations might be made in the usual way, unless party names were not allowed to be used in connection with them, in which case nomination by petition, without primaries, is preferred by the sponsors of the system. Under the Hare system it is contended that the method of marking and counting the ballots brings together the votes of like-minded voters more effectively than our present primary elections—so as not only to elect the right number of each party's candidates, but so as to elect also the strongest candidates of each party, group or sufficient number of voters, whether organized or not. The omission of party names is suggested as suitable for

the election of delegates to a constitutional convention and in certain municipal elections.

The ballot used for the election of representatives would be separate from that used for other purposes at the same election. Its form and the method of voting are shown below :

(Heading)

DIRECTIONS TO VOTERS

Put the figure 1 opposite the name of your first choice. If you want to express also second, third and other choices, do so by putting the figure 2 opposite the name of your second choice, the figure 3 opposite the name of your third choice, and so on. In this way you may express as many choices as you please. *The more choices you express, the surer you are to make your ballot count for one of the candidates you favor.*

This ballot will not be counted for your second choice unless it is found that it cannot help your first; it will not be counted for your third choice unless it is found that it cannot help either your first or your second, etc.

*A ballot is spoiled if the figure 1 is put opposite more than one name.* If you spoil this ballot, tear it across once, return it to the election officer in charge of the ballots, and get another from him.

FOR THE HOUSE OF REPRESENTATIVES

John Allen, Elkins Park, Republican	
John Jones, Bryn Mawr, Labor Party	
James Brown, Bristol, Democrat	
Frank Green, Ardmore, Democrat	
Richard Roe, Doylestown, Republican	
William Hunt, Pottsville, Socialist	
Paul West, Narberth, Republican	
George Sims, Norristown, Democrat	
Thomas York, Quakertown, Republican	

At each voting precinct the ballots cast there are simply sorted according to first choices; then the first choices for each candidate are counted and made up into a package and all the packages are sent to the central counting place of the entire multi-member district. This presents no difficulties to the precinct election officials.

At the central counting place, to which all the ballots cast in the entire multi-member district are brought, the

remaining operations of the count are carried out in accordance with certain rules prescribed by law. A copy of the rules recommended by the American Proportional Representation League is on file in the secretary's office.

The principles at the basis of the rules are very simple. Every voter's ballot actually counts for one and only one candidate, as it does when one member is elected in each district. And the candidate for whom a ballot counts is the one for whom the voter who marked it wants it to count (as shown by the preferences marked on it), considering how many ballots are found to be required to elect a candidate and how other voters have voted. For example, if five members are being elected in the district, it is evident that any candidate who is the first choice of more than a sixth of the voters of the district is elected; but if any candidate secures more than this number required to elect—the quota, as it is called—the surplus ballots over and above the number needed are passed on to other candidates, each one separately in accordance with the next choice marked on it, because that is the way to make effective the will of each of the voters who cast the surplus ballots. Of course, it might possibly make a difference which of a candidate's ballots are taken for transfer as the surplus. The rules must be drawn so as to take care of this situation. After the transfer of the surplus ballots of those candidates who received more than the quota of first choices, the weakest candidates are declared defeated one at a time and the ballots which are counting for them are transferred, each one separately in accordance with the preference marked on it, to the candidate most desired by the voter among those *who may be helped to election by his ballot*. In this way the ballots are finally sorted into as many piles as there are members to be elected from the district, each of these piles being made up of ballots representing voters sufficient in number to have a right to one member, and unanimous, considering all the cir-



cumstances, in the desire to have their ballots help elect the candidate whom in fact they do help elect. To express it all more briefly, the principle of the system is an attempt to condense all the voters of the district, of varying opinions and interests, into those whom they regard as their truest spokesmen.

It is contended that if the members elected from each of the several multi-member districts represent the district truly, the entire body elected by the state as a whole must represent the state as a whole truly.

Leaflets explaining the Hare system more fully are on file in the Secretary's office.

#### RESULTS WHERE THE SYSTEM IS USED

The advocates of the Hare system of proportional representation assert that where it has been used it has resulted in fairness to all political parties and groups of voters within parties; that it has kept in the legislative body the leaders regarded by the different elements as their strongest and most trustworthy spokesmen, and that it has tended to reduce the bitterness of differing parties and groups and to foster the spirit of cooperation for the public welfare.

I have annexed to this brief as Exhibit "B" statements in regard to the working of the system made by members of the communities which have adopted it. These statements have been furnished to me by the American Proportional Representation League.

#### ADVANTAGES CLAIMED FOR THE SYSTEM

Advocates of proportional representation claim for it the following advantages over the usual methods of election:

1. It insures majority rule, which the usual system fails to do.
2. It gives fair representation to all substantial minorities, including some which are entirely excluded from representation by the usual system.

3. It results in the election of the strongest and ablest spokesmen of various groups, many of whom would have no chance of election under the present system because of their inability to secure a plurality vote in the particular districts in which they happen to live.

4. It discourages political corruption by making it impossible to affect the result materially by the manipulation of a few votes.

5. It tends to eliminate "machine control" by making it possible for the voters of a party who disapprove of a machine candidate to nominate or vote for a rival member of the party without splitting the party vote and thereby delivering the seat to some other party. This means not that party organizations would go out of business nor that they would no longer count, but only that they would have to conform more closely to the will of the rank and file of the voters. The Hare system actually brings about the popular control of parties which the direct primaries were intended to help in bringing about.

6. It tends to revive interest in political affairs on the part of large numbers of citizens who do not feel that they have the opportunity to elect satisfactory spokesmen under the present system.

7. It tends to preserve continuity in personnel and policies in legislative bodies, avoiding the sudden and complete overturns which often result from the change of a few votes under the usual system.

8. It tends to remove the danger of "direct action" on the part of minorities whom the present system deprives of all expression through political agencies, and, by giving every citizen a satisfactory representation, tends to develop a feeling of cooperation among all groups. Differences remain, but the bitterness caused by injustice and exclusion is removed.

9. It tends to increase the authority of the government. Citizens will be inclined to obey, and will not

want to overthrow, a government in whose legislative deliberations they all share.

10. The republican form of government by representative legislatures can be perpetuated only if a system is adopted which will make the legislatures truly representative of all the differences in political thought in the commonwealth. The political complexion of the legislatures must not depend on the accidents of the geographic distribution of the electors. Proportional representation is the only effective answer to those who insist on the initiative and referendum.

In connection with these claims there has been brought to my attention a letter of February 1, 1919, from the Earl of Selborne to the *London Times*, as follows:

The last House of Commons rejected proportional representation in the franchise bill. It is important, I think, that the result should be noted, and what an intimate effect it has had on the industrial problem. At the last general election the Labour party polled in contested seats in Great Britain 2,292,102 votes. This poll entitled them to 120 seats in Great Britain in respect of the contested constituencies alone, but the total number of seats they obtained in contested and uncontested constituencies was 47 (evidently a misprint, the number being 59). The result is that the Labour party know that they are not fairly represented in the House of Commons, and many of their leaders, whose presence they consider essential to the proper consideration of their business, have failed to obtain seats in the House of Commons. The consequence is that they look less and less to the House of Commons as the place where the questions which interest them can be properly considered and dealt with, and that there is an ever-increasing tendency to deal with these questions outside of Parliament. As the questions at issue are no longer only concerned with wages and conditions of employment, but are strictly political questions, such as whether an industry should be nationalized, and whether it is possible in a civilized country for two governments to exist side by side, the one representing the whole community, and the other a section of the community, this fact is fraught with danger.

At the next general election nothing is more probable than that the Unionist party will poll a sufficient number of votes to entitle them to a representation of 200 or more, but that the number of Unionist members returned will be under 100.

*Per contra*, the Labour party may receive gross over-representation; but that will be no remedy for past injustice; it will only be an aggravation of the evil.

The following statement by former Mayor C. M. Fassett, of Spokane, Washington, in regard to the industrial troubles which are particularly acute in that part of the country, is also of interest:

Just now the labor element is divided and its separated groups are politically ineffective as minorities; but they are beginning to find themselves, and when they realize their power in united action, there will be a bitter repentance on the part of those elements now in political control that proportional representation has not been generally adopted.

#### PRACTICABILITY OF THE SYSTEM

The objection is sometimes raised that the method of marking a Hare ballot might prove confusing to the voters. I am informed that this is not generally the case. In the Tasmanian provincial elections of May, 1919, there were less invalid ballots under the Hare system than there were in the preceding commonwealth elections in Tasmania under the old system. In Dublin, Ireland, at the first Hare election on January 15, 1920, the ballots invalid from all causes, some of which had nothing to do with the new system of voting, numbered slightly more than 2 per cent of the whole vote.<sup>1</sup>

A dispatch of January 19 to the *Philadelphia Evening Bulletin* in regard to the municipal elections held throughout Ireland on January 15, bears testimony to the practicability of the system from the voters' point of view. It says in part:

Proportional representation . . . has triumphed. . . . Many thought the system would be too complicated for the average voter. There was also a feeling that there was a catch in it somewhere devised by the reactionaries to defeat the popular will. As a matter of fact, the voters found no difficulty in filling up their papers to indicate their preferences nor did any catch develop.

<sup>1</sup> In the first election in Cleveland in 1923 7.6 per cent of the ballots were invalid and 40,000 fewer people voted than did in 1921.

Advocates of proportional representation claim that it makes voting easier rather than harder, because the voter does not have to consider the chances of election of any particular candidate, and simply votes his real order of preference, knowing that he is in no danger of throwing his vote away by so doing.

The fear is sometimes expressed that the number of operations involved in the final count make the Hare system impracticable, either on account of the danger of manipulation on the part of the election officials at the central counting place or on account of the difficulty of handling large numbers of ballots. Experience appears to show, however, that there is little cause for fear on either of these grounds.

The danger of manipulation of votes is said to have no support from experience and to be in fact reduced by the Hare system, because each step in the process acts as a partial check on those that have gone before. It would be very difficult for an election official in the presence of watchers to handle a ballot incorrectly and at the same time to make sure that his manipulation did not come to light later on.

The difficulty of handling large numbers of ballots under the Hare system appears to be much less than is usually supposed. In Glasgow, Scotland, last April, one hundred and twenty-four thousand votes were counted under the Hare system in one day under the supervision of one returning officer. The arrangements made would have sufficed to count a very much larger number of votes. All the school boards in Scotland were elected by the Hare system at the same time without difficulty.

Tasmania has found the Hare system practicable—even in a form more complicated than that used in England or America. It has used the system for all its state parliamentary elections since 1907.

Mr. J. McCarthy, returning officer at the first proportional election of the council of Sligo, Ireland, bears

testimony to the practicability of the Hare system in the following statement:

The experiment of applying the single transferable vote to the municipal elections in Sligo has shown:

1. That voters had no difficulty in grasping what they had to do.

2. In the past, owing to lack of interest on the part of a large number of the electors, the polls were small. In the present instance nearly 80 per cent of the total register polled.

3. The count is not-perceptibly longer than the old method in point of time where sixteen candidates are contesting eight seats.

4. At the count neither the candidates nor their agents had any trouble in following the various steps although it was their first experience of the system. The difficulty of the count appears much more formidable on paper than in actual practice. A systematic method eliminates the alleged difficulties.

5. So far as these elections are concerned the results have succeeded in making good the claims of the advocates of the system. The rights of majorities were preserved and at the same time representation given to minorities. The various parties got representation in a proportion wonderfully near to their voting strength.

6. The system is a practical one and the results of the election have been received with general satisfaction.

Of the operation of the system in Ireland on January 15, 1920, the *Irish Times* (Unionist) says editorially in its issue of January 19: "The Irish elections, which the British public and press have followed with keen interest, *established all the virtues that were claimed for this scientific method of feeling the popular pulse.* In the first place, *the mechanism has worked without a hitch.*"

HOW TO MAKE VOTING WORTH WHILE<sup>1</sup>

Has a minority rights that a majority is bound to respect? The Constitution says, Yes; but too often in our local and national governments, the machine steam-rollers its opponents. "Proportional representation" is the only feasible plan yet devised to represent minorities and protect voters from "wasting" their ballots. The machine which polls 51 per cent of the vote now elects its entire slate. Under "proportional representation" it would elect but 51 per cent of the representatives of the district.

How can we break the stranglehold of political machines in the service of special privilege and make our government a government of the people?

That is the question of the hour. Many in the ranks of organized labor are earnestly trying to solve it. Some think it is better to work within the old parties and try to capture them. Others think it is better to organize a new party. The purpose of this article is to show that either method is extremely difficult so long as we retain our present antiquated election methods and that either method will be easy as soon as we bring our election methods up to date.

## THE TRIALS OF USING OLD PARTIES

Suppose we decide to capture one of the old parties. To do that under the usual election methods we must beat the machine at a primary. And right there is our first big handicap—the machine can be counted on to turn out in force and many of those who don't want the machine stay at home till the final election, when it's all over but the shouting. The machine's henchmen are not more civic-minded than other voters, but they have more personal and practical inducements to attract them to the polls.

<sup>1</sup> By George H. Hallett, Jr. *Locomotive Engineers' Journal*. 59: 343-4. May, 1925.

This first handicap would be discouraging enough if all of us who are willing to vote against the machine at the primary could act together. But do the best we can, our forces are almost sure to be divided. Many will not tie up to the particular party we have set out to capture even to the extent of voting in its primary. Others, perhaps, will not support our particular candidate, no matter how carefully he is picked. Our opposition to the machine includes many kinds of people, and yet we must all get behind one candidate (or slate, as the case may be), since only one can be elected. If we have not divided ourselves by our own nominations, the machine will put up a few other good candidates to do it for us.

Finally, if we do beat the machine, it is not likely to stay beaten. It may divide our forces for the next election by a gerrymander. Or it may simply lie low till we divide ourselves. Our group was united *against* something we didn't want, not *for* something we all wanted. As soon as our representative starts to do anything, he is sure to displease some of us. When enough of us are disgruntled, the machine puts up a candidate a little better than usual—or perhaps it doesn't have to do even that—and before we know it we're back where we started. Did you notice how badly Governor Pinchot was beaten last year when he ran for delegate to the Republican National Convention?

#### THE TRIBULATIONS OF MAKING NEW PARTIES

Now suppose we try the other way and organize a new party. The story is much the same. We don't have to beat a machine at a primary, to be sure—at least, not at first. But we're not any more likely to unite all those opposed to the machines than we were before. In the first place, we lose all the good people who are tied to one of the old parties' tradition. In the second place, we can't get all the different people who aren't tied to agree to any one platform and set of candidates. In the third place, we can't get many people to vote with us



as long as they think they would be throwing their votes away.

Most of us remember what happened in 1912. The Progressive Party under Theodore Roosevelt trimmed the "grand old party" so badly that you had to look for its presidential electors with a microscope. But the Progressives didn't elect Progressives—they elected Democrats. In Indiana the Republicans and Progressives together had about seven-thirteenths of the votes, the Democrats about six-thirteenths. But because the Republican-Progressive majority was divided, the Democratic minority elected all thirteen of the state's representatives in Congress. Since most of the Progressives were former Republicans, the election of Democrats was what they wanted least of all. So when Roosevelt went back to the G.O.P., most of the Progressives went with him. A few years later, in 1918, the reunited Republicans again polled about seven-thirteenths of the Indiana votes and the Democrats again about six-thirteenths. But this time, instead of electing all thirteen congressmen, the Democrats elected none at all. This time the Progressives elected not Democrats, whom they didn't want, but Republicans, whom they didn't want. They were probably no more in love with the Republican machine than in 1912, but they preferred to take their choice of evils rather than vote their real wishes and hand the election to those they wanted least of all.

#### WHAT WE NEED IS A NEW METHOD OF ELECTION

I don't mean to say that the defeat of machines is impossible, or that it shouldn't be tried, even under our present methods of election. I do say that our present methods of election give the machine an unfair advantage, that we shall make our task immensely more simple if we insist on changing the rules of the game so that we all start even—so that the people can get what they really want without making a business of politics.

Most Americans think of our system of election as

a necessary feature of democracy. They do not know that in most of the democracies of Europe it would not be tolerated for a minute. In Belgium, in Holland, in Switzerland, in the countries of Scandinavia, in Germany, in the Irish Free State—to mention only a small part of the list—every party can now be sure of electing the same share of the representatives that it has of the votes cast.

Let us see what this principle, known as “proportional representation,” would have meant in Indiana in 1912. The Democrats had about six-thirteenths of the votes. They would have elected not thirteen but six of the state’s thirteen congressmen. The Republicans had about four thirteenths. They would have elected four. The Progressives had about three-thirteenths. They would have elected three. Throughout the country the Progressives would have elected not Democrats but Progressives. Instead of between twelve and eighteen congressmen, as the number is variously given, they would have elected something like one hundred. That would have been enough to establish the Progressive Party as a going concern.

Some idea of what might have happened in the last election may be gained from the following table:

## ELECTION IN 1924

Party	Presidential Vote	Presidential Electors Elected	Electors in Proportion to Presidential Vote	Congressmen in Proportion to Presidential Vote
Republican . . . . .	15,717,426	382	287—	235+
Democratic . . . . .	8,386,238	136	153+	125+
Progressive (La Follette) . . . . .	4,821,090	13	88+	72+
Prohibition . . . . .	57,456	...	1+	1—
Workers . . . . .	36,384	...	1—	1—
Socialist Labor . . . . .	35,907	...	1—	1—
Others . . . . .	25,945	...	...	...
Totals . . . . .	29,080,446	531	531	435

The best form of proportional representation—the one used in the Irish Free State and various other parts of the English-speaking world—is still better. It gives fair representation not only to each party, but to each important element within a party. It even makes effective independent votes cast for no party at all.

Now, in closing, let us see what this system would mean if used for our national elections. It would no longer be necessary for the many kinds of people who don't like the machines to get together. The better elements in the Republican Party could elect their kind of Republicans. The better elements in the Democratic Party could elect their kind of Democrats. Those who wanted to form new parties could do so and elect members without all having to agree. The machine politicians of the worst type could also elect some members, but no greater share than they had of real popular support.

Nearly everybody could nominate, vote for, and elect, on equal terms with other voters, a person whose judgment he trusted and whose views he approved. When a vote came in Congress on a major question it would be almost sure, therefore, to go as the people wanted it to go.

Take the question of government ownership of railroads. The Republicans who favored government ownership would elect to Congress their fair share of Republicans who would vote for government ownership. The Democrats who favored government ownership would do the same. Progressives, Farmer-Laborites, Socialists, Workers' Party, and Independents who favored government ownership would do likewise. Everyone who wanted government ownership could support it effectively without voting for candidates more radical or more conservative than himself. So when the question was raised in Congress, the members in favor of government ownership would be found in about the same

proportion as the people who were in favor. If a majority of the people were for it, the congressional vote would almost surely go for it. If a majority were against it, the congressional vote would just as surely go against.

We would not go forward faster than the people were ready to go, but neither would we go more slowly. Government by the people would cease to be merely a phrase for Fourth of July orations, and would become something like a reality every day in the year.

### THE LESS OBVIOUS BENEFITS OF PROPORTIONAL REPRESENTATION<sup>1</sup>

The system of proportional representation that is being introduced into this country goes incomparably deeper in its beneficial effects than is usually realized even by its professed advocates. This article is intended especially to make clear the nature and the causes of some of its less obvious benefits. But to do this it is best, perhaps, to consider its obvious benefits first.

#### THE OBVIOUS BENEFITS

The obvious benefits of proportional representation with the single transferable vote (the Hare system of proportional representation) are due to its correction of the purely mathematical blunders of the old system. Let us see such blunders in a few well known examples.

In 1912 the Progressives cast enough votes for congressmen to entitle them to about a hundred members. They elected only about twelve.<sup>2</sup> Their failure to elect the number they deserved was one of the chief reasons for their decline as a party.

<sup>1</sup> An article written by C. G. Hoag, secretary of the Proportional Representation League and not yet published.

<sup>2</sup> In respect to this number authorities differ, as it is difficult to classify according to party several of the representatives elected to Congress in 1912. Some authorities put the number as high as eighteen.

In 1912 the Democratic vote for congressmen in Indiana was slightly over 45 per cent of the total vote for congressmen in the state. The Democrats of the state, therefore, being slightly in a minority, deserved approximately six of the state's thirteen congressmen. But they elected all thirteen.

If the voters of the several parties in Indiana in 1912 had voted just as they did but had been somewhat differently distributed among the districts, the Democrats might have elected only twelve of the congressmen, or perhaps only eleven, or ten, etc. down to one. Indeed, it is easy to see, on examining the figures, that without the change of a single vote in Indiana, but only with certain changes in the distribution of the voters of each party among the districts, the Democrats might have failed to elect even one of the thirteen congressmen. We need not take the trouble to prove this: the results of the Congressional election of 1918 make proof unnecessary. In that year the Democratic vote for congressmen in Indiana was again approximately 45 per cent of the total vote for congressmen in the state. To be exact, it was 44.3 per cent. In that election also, therefore, the Democrats of the state deserved six, and only six, of the state's thirteen representatives in Congress. In fact, however, in that election they failed to elect one of them.<sup>3</sup>

In 1920, when the Pennsylvania Commission on Constitutional Revision was in session, the office of the Proportional Representation League examined the returns of the elections for the state Senate then sitting to see how many of the votes cast for senators had had no effect on the results. The number was found to be 444,512.

To see the more obvious benefits of any proportional system of election we have only to compare these results with the results of the same elections if a pro-

<sup>3</sup> It should be remembered that in 1912 the vote was divided among three major parties, while in 1918 there were but two major parties.

portional system had been used. In 1912 the Progressives of the country, and in 1912 and 1918 the Democrats of Indiana would have elected the number of representatives that they were entitled to by their vote, and the reduction of the wasted votes in the state senatorial elections of Pennsylvania from 444,512 to a small fraction of that number.

Proportional representation, then, has the advantage of getting rid of certain gross violations, visible and obvious to any one who compares the marks on the ballots with the results, of the principle of equality which is intended to be the basis of our elections for representative bodies. And it is not difficult to see what feature of the proportional system it is that does this. It is the new kind of quota by which, under any proportional system, each of the representatives is elected.

Under the old system, as used, for example, for Congress and for the Senate of Pennsylvania, the quota for the election of each member is enough people to deserve one member, marked off by a district line on the map. But, of course, the people of each district are not at all united in respect to the sort of person they want as representative. Hence all the voters in the district except those in the one largest group which can unite in support of a candidate must be "represented" by a person for whom they have not voted and to whom they may be strongly opposed. Consider now the quota by which each representative would be elected under the proportional system. It would be enough voters to deserve a representative, as now, but instead of being enough who live together and disagree, it would be enough, scattered over a district large enough to elect several members, whose ballots indicate that they agree on the person whom they want to represent them.

It is solely by this change in the character of the quota that any proportional system of electing repre-

sentatives does away with the obvious and purely mathematical blunders of the old system. In making this change all proportional systems are substantially alike. Proportional representation, therefore, is only another name for the election of representatives by quotas approximately equal<sup>1</sup> and indicated by the ballots to be agreed on the person whom the voters making up the quota want to represent them. And beyond this change nothing of fundamental importance is accomplished by the proportional systems which are used for parliamentary and other public elections in most of the leading countries of Europe.

But the proportional systems now being introduced into this country, proportional representation with the single transferable vote (the Hare system)<sup>2</sup> does not stop with this change: it makes another, the effects of which, though not mathematical and not visible in the election returns, are no less important.

### THE CONCEALED BENEFITS

The quota of voters which elects each member under proportional representation is composed, as we have seen, of a sufficient number of voters whose ballots indicate that they agree on the person whom they want to represent them. But is it not possible that the indications on the ballot may not be true to the real wills or opinions of the voters? Under the present system, as we know, great numbers of voters mark certain candidates on the ballot, not because they want them elected, but because they see no way of helping to elect anybody else whom they want more. And a proportional system which gives the voters no relief in this respect, though it will elect a body truly representative

<sup>1</sup> Of one proportional system, the "proxy system," this would not be true.

<sup>2</sup> Readers who are not familiar with this system will find it explained by a concrete example in the Proportional Representation League's *Leaflet No. 5*, which will be sent gratis to any one who applies for it to the League at 1417 Locust Street, Philadelphia, Pa.

according to the marks on the ballots, may elect one not at all truly representative according to the real wills and opinions of the voters.

Of the systems of proportional representation in use, and the various systems are many, all except that with the transferable vote (the Hare system) offer the voter something less than complete freedom to vote in accordance with his real will without the least danger of throwing his vote away by doing so. The Hare system offers him nothing less than that. Hence, aside from errors due to the weakness of human nature, which could be reached by no changes in the election system, a body elected by the Hare system is truly representative not only according to the marks on the ballots but according to the very wills and minds of the voters.

How great these unseen errors of an election system can be and just how the Hare system does away with them will be clear if we consider how the Hare system would work if the vote were not transferable. The system could then be described thus: several representatives would be elected together, as under the Hare system; each voter would vote for but one, as under the Hare system; the voter would be allowed to express only one choice, as under the old system of voting; and in a five-member district the five persons who receive the most votes would be declared elected.

This system, which was used for parliamentary elections in certain districts of Japan for some years, works out in proportional representation according to the marks on the ballots. This can be seen from a miniature example. Suppose the number to be elected is five; the number of voters of Party A, 9; the number of Party B, 4; and the number of Party C, 3. Then it will be evident before the votes are cast that if the voters of Party B give all their votes to one candidate they will be sure to elect him, and that the same is true of the voters of Party C. And it will be equally



evident that if the voters of Party A give all their votes to three candidates and divide them equally among the three, they will be sure to elect three. Finally, it will be evident also that if either of the smaller parties scatters its votes over more than one candidate, or if Party A scatters its votes over more than three, the party which makes such a mistake is likely to lose one or more seats which it might otherwise win. With such a system of election, therefore, Party A will nominate only three candidates, and Parties B and C only one each. And if an adherent of Party A, for example, is dissatisfied with one or more of the three who may be nominated by his party, he will find no satisfaction in nominating one or more rivals of the same party, for to do so will "split the party vote" and probably give one or more of the three seats to one of the other parties. Thus under the proportional system, as under the old single member district system, capturing a nomination may be virtually equivalent to capturing a seat and the many voters who dislike the candidate or candidates of their party will usually vote for them nevertheless because they will find themselves unable to vote for a candidate whom they like better with any hope of electing him. Therefore, many of the ballots cast under such a system will not express the wills of the voters truly at all.

Suppose, now, that to the proportional voting system just explained we add the transferability of the vote so as to make it into the Hare system of proportional representation. The changes that ensue are profound, going to the very heart of many of the most serious weaknesses of our political life. The vote being transferable according to the preferential numerals, 1, 2, etc., which the voter is allowed to put opposite the candidates on the ballot, Party A can run more than three candidates and Parties B and C more than one each without any danger of splitting their vote thereby.

Hence the voters of each party feel free, if the candidates first nominated by the party are not acceptable to them, to nominate rivals, and they feel free also, when the election itself takes place, to vote according to their real wills without the least regard to any candidate's supposed chances of election. The quotas made up by the Hare system, therefore, are unanimous in respect to the person they want as their representative not only nominally, according to the marks on their ballots, but actually, according to their real wills.

The difficulty which the transferable vote overcomes so completely is the same one, of course, that our people hoped to overcome by the primary system when they adopted it a few years ago. But that system was sure to be disappointing, for it does nothing more than to divide the difficulty into as many parts as there are parties and to carry it back from the final election to the primaries. The same election system that fetters us in the final election fetters us in the primaries. The only real relief is to be found in the transferable vote, that is, in a ballot which permits the voter to say whom he wants his vote to help in any one of the several contingencies that may be found to have arisen when the ballots are counted.

If you were sending some distance for fruit, not knowing what kinds would be in stock, you would think yourself absurdly hampered if you were not allowed to give your messenger several preferences, so that he could get the fruit you liked best among those which the market was found to afford. You are hampered quite as much and quite as absurdly when you are not allowed, under our crude old balloting system, to give the election officials<sup>1</sup> your several preferences about how you want your vote to be counted toward the election of a representative. If you prefer Brown, who has not received the nomination of your

<sup>1</sup> Those at the electoral headquarters for the entire multi-member district. No transfers are made at the polling places.

party, but think he probably cannot be elected, you ought to be allowed to vote for him, nevertheless, with the assurance that if it is found, when the ballots are examined, that he cannot be elected, your vote will count for the person whom you have indicated as your next preference among those who can be elected. A ballot which allows the voters to do this makes them the masters, instead of the slaves, of the party organization. For with such a ballot the Browns will sometimes be elected, and power to break the party slate is mastery of the party. The profound effect on party nominations is obvious.

It may be said, of course, that even under the present usual method of electing representatives, the single-member-district system with the single shot vote, a voter who gives enough attention to politics can make his influence felt. That is certainly true. Indeed, under the present system those who devote themselves to politics have not too little influence, but too much. But if we have to wait for efficient and responsive government until the voters generally become active in politics we shall have to wait for centuries. It is idle to wait for a change in human nature: wisdom consists in changing the voting system so that the public can control the government without becoming regular politicians.

A body elected on the Hare system of proportional representation, that is, by approximately equal unanimous quotas made up by transferable votes, can be counted upon to be as nearly true to the wills and opinions of the voters as human nature permits. A body elected by such a system provides, therefore, the basis for what we need above all other political things in city, state, and nation, that is, representative government. The direct election at the polls of all sorts of officials from governor down to coroner and registry assessor is a thing which the voters as a body are not

in a position to do with discrimination. It therefore means that the officials are usually chosen and public affairs controlled by those who are dependent on politics for a living, with all the inefficiency, waste, and "graft" which that involves. That has been proved by our experience for a hundred years. The so-called "short ballot" is a step in the right direction. But it does not go far enough: we must come at last, if our teeming communities are to be governed and administered excellently, to the election at the polls of the policy determining body only, leaving it to that body to do the rest. "Undemocratic," do you say? So long as that body could not be made to represent the voters truly, yes; but when it can be made to represent them truly, no. A truly representative body though not, of course, perfect, is at least more worthy of the people's trust than the people themselves: in will and opinion it is the same as themselves; in opportunity to form judgments of public men and measures it is superior. The introduction of a very short ballot in many of our cities, in the form of the city manager plan without proportional representation in the commission or council, has resulted for the most part in a marked improvement in efficiency and even in the responsiveness of the government to the people's wishes. But such a plan brings upon itself, inevitably, the bitter and unceasing opposition of those who regard it as undemocratic. Indeed, though usually more democratic in its actual workings than what it has supplanted, it is not democratic enough to satisfy the people permanently. The only hope, therefore, for keeping the ballot short in these hundreds of city manager plan cities, as well as for making it short in cities, states, and the nation generally, is to base the government of our cities, our states, and eventually our nation on bodies so elected as to be quite truly representative. That means on bodies of which the members are elected by approximately equal quotas of voters who are really unanimous

in respect to a representative. And the election of such bodies can be assured only by the use of the system of proportional representation which offers the voters complete freedom in sorting themselves into quotas, that is, the system which is being introduced into this country and was used by Cleveland in November, 1923.

#### CONCLUSION

In this article I have tried to make clear how the system of proportional representation which is being introduced into this country corrects not only the visible and obvious but the concealed errors of the old system. And I have pointed out, in a very general way, the dependence, in our populous modern communities, of efficiency and excellence of government on the election of bodies which can be counted upon to represent the voters truly. Beyond this, in so short an article, I cannot go. Much must be left to the reader's own knowledge and insight. Let him ponder on the benefits, which no one could ever fully describe, of representation as a principle. To the ancients it was unknown. Its use by the Roman world might possibly have prevented the dissolution of the empire. It is the greatest political invention of modern times. What, then, may be expected from substituting for the old system of election, with its grotesquely great errors both visible and concealed, a system which carries out the principle of representation almost perfectly? The forces that make history are not all spectacular. Millions of people in this country paid no attention, on election day last November, to the new form of ballot and the new method of counting used in Cleveland. At the time the election attracted only a fraction of the attention that was given to the Harvard-Yale football game. But a hundred years hence it will be evident that it marked an epoch in the public life of this country.

PROPORTIONAL REPRESENTATION: A  
FUNDAMENTAL OR A FAD<sup>1</sup>

With the adoption by Ashtabula, Ohio, of a plan of proportional representation and the widespread publicity accorded to the first election recently held under that plan, it becomes necessary to consider seriously what attitude the friends of municipal improvement should take toward this innovation. As long as the matter was merely the subject of theoretical discussion and propaganda by those actively interested in the proportional representation movement it did not present a living issue. Owing, however, to the imitative instinct which has played so large a part in the history of municipal government in this country, the actual adoption by an American city of the plan in question makes it a real issue which must be faced at once by those who are leaders in moulding public opinion along lines of municipal progress.

The advantages claimed for the plan of electing a city council by proportional representation have been so adequately set forth in the pages of the *National Municipal Review* and in publications of the National Proportional Representation League that it is unnecessary to repeat them here, except as they arise in a consideration of the possible disadvantages of the system. It would seem that the objections or possible objections to the latest innovation may conveniently be classified under three heads: theoretical, legal, and practical.

## THE THEORETICAL OBJECTIONS

The most fundamental objections to the scheme of proportional representation are of course those that go to the question of the theory of the plan. Briefly stated the argument in favor of proportional representation

<sup>1</sup> By Herman G. James. *National Municipal Review*. 5: 273-7. April, 1916.

rests on the theory that all shades of political opinion that are held by an appreciable number of the electors should have representation in the legislative body. To put it more concretely, every group of electors should be permitted to choose a proportion of the legislative body as nearly equal as possible to the ratio that their vote bears to the entire vote cast. In this way, it is claimed, there will be reflected in the council every important shade of political opinion that exists in the community, and the action of the council will represent in the end the composite of the opinions of the electorate, instead of merely the opinion of the majority. ←

Now that proposition, if true, sounds attractive. But is it true? Let us consider first the case of a truly representative, as distinguished from a primary, city government, that is, one in which all matters of policy are determined by elective representatives without the use of the referendum or initiative. It is at once apparent that the action of such a body cannot be completely representative in the sense that the advocates of proportional representation demand. Even if the various councilors are elected by well defined and organized groups of persons, that is, virtually by more or less permanent political parties, they cannot be instructed on every question of policy that may arise before the council. On such questions they must of course act according to their own convictions, which as experience shows are by no means necessarily in accord with the opinions of their constituents on those points. Unless, therefore, there is a party boss, or ring, or executive committee by whose determinations both the group of voters and the councilor will be governed—a situation against the evils of which all municipal reformers have been preaching—they cannot reflect the opinion of their constituents on such points. This is true, if for no other reason, because of the simple fact that no group of persons think alike on more than one or two important questions of

policy. This being the situation in the case where a well defined majority or minority has elected a councilor, how much greater will be the difficulty of having a councilor reflect the opinions of his constituents when he is chosen by an undefined, unknown and temporary group of electors. Yet this is exactly what the Hare system of proportional representation will result in and indeed it is one of the advantages claimed for the system by its advocates, *viz* that it tends to help the independent candidate who is backed by no organization, but can get the necessary quotient by reason of personal qualifications. How can a councilor elected by, let us say, one tenth of the voters of a city, not knowing who his electors were or or what policies they represent, reflect the political opinions of anyone but himself?

Furthermore, whatever may be said of the value of having all the important shades of political opinion voiced in the council, and that we have seen is not possible either under the proportional representation plan or under any other scheme, the fact remains that all action, all legislation must be by majorities. However lengthy and careful may be the discussion, however many conflicting points of view may be brought out, however ably the interests of minorities are presented, the final action is and must be action by majorities. There is and can be no way in which minorities can appear in the final action. Only two sides then appear with regard to any action taken, the majority who voted for it and the minority who voted against it. Minor groups, those whose interests are supposed to be safeguarded by the scheme of proportional representation all line up at the "show down" in one or the other of these two parts. Their only chance for effective expression lies, therefore, in the possibility of forcing some compromise in the measure before final vote. If, however, the various members of the council really reflected the political convictions of a definite group of voters, and that is the hy-



pothesis of the advocates of proportional representation, a compromise measure inevitably means that none of the representatives any longer exactly reflected the supposedly known wishes of his constituents. Obviously there is not the slightest assurance that the concessions made in the process of compromise are those which would be approved by the group to which the councilor owes his election. When it is remembered that the tendency of municipal voters to break away from state and national party affiliations is increasing and is being encouraged by almost all municipal reformers, it can readily be seen that the normal composition of a council say of ten members elected under the Hare system of proportional representation would tend to represent a number of more or less equal minority groups. That means of course that no legislation could be effected wholly in accord with the wishes of any of the constituencies and that all legislation would be compromises between conflicting opinions. The more truly the councilors reflect the conflicting interests of the constituencies, the ideal of the proportional representation advocates, the more difficult does the process of legislation become and the more unsatisfactory will the finally inevitable compromises prove. What becomes now of the chief contention of the advocates of this scheme that under it you have a true reflection of the composite political wisdom, or stupidity, of the electorate?

Let us look now at the situation when we no longer have the true representative type of government for cities, that is when we introduce as working elements the initiative and the referendum. The chief advocates of proportional representation in this country are also supporters of the initiative and referendum and it is a safe guess that no city will adopt the wholly novel—for American cities—plan of proportional representation which has not been willing to introduce the now widely used and quite familiar devices of direct legislation. We

may, therefore, regard the combination of proportional representation with direct legislation as the normal case. Now direct legislation does undoubtedly offer a theoretical remedy for the evil of incomplete representation, not only in the extreme cases where representatives willingly disregard the known wishes of the electorate, but also in the normal cases where those wishes have not been ascertained or where, as under proportional representation is especially likely, the council's action must be a compromise. For this kind of incomplete representation, inevitable non-representation we may call it, the instruments of direct legislation offer a possibility of remedy by direct submission of concrete simple proposals to the electors. Even here, as every student of direct legislation knows, it is next to impossible to have initiative and referendum measures so framed that every voter can either entirely agree or disagree with them. However that may be, the tendency will inevitably be toward relying more and more on this form of remedy for the evil of incomplete representation in regard to all important questions of policy that may arise, whenever it is realized that the representatives of the various minority groups in the city are powerless to put through their program of policies. The advocates of proportional representation, standing on the ground of desiring a more complete reflection of the political opinions of the electors, must if they are consistent welcome the application of this remedy. But with the increased application of this remedy for incomplete representation, there is a continual diminution in the policy determining function of the council until it degenerates into a mere board of supervisors for the city manager. What need then for an elaborate and complicated election procedure intended to insure a reflection of the political opinions of groups of electors when those opinions are in important matters applied directly and are no longer reflected?

We conclude, therefore, that the dreams of the proportional representation advocates are not possible of

realization under any form of representative government, and that under the system of direct government which we are rapidly approaching and which they endorse, important questions of policy are no longer left to the decision of the representative body anyway. Under those circumstances *the only issue in the choice of candidates is one of personality and character.* The ordinary preferential ballot insures that the successful candidates for election to the council will be acceptable to a majority of the voters either as first, second or third choices, or to as near a majority as can ever be obtained. The proportional representation plan insures and boasts of insuring that if there are ten councilors to be elected any candidate who can muster a number of first choices equal to one-tenth of the vote cast is entitled to a seat. If, therefore, under the case supposed there is one-tenth of the city electorate that is law-breaking, corrupt and disgraceful the proportional representation plan insures their representative a seat in the council. That is a kind of democracy which I, for one, cannot endorse. Under the ordinary preferential ballot it would be necessary to have not one-tenth merely but a majority of the electors in the city in favor of disgraceful candidates before they could be elected. But if that is the situation in any city, Heaven help it! No human scheme of government could be of any value.

#### LEGAL AND PRACTICAL OBJECTIONS

The limited space available precludes an extended discussion of the ~~legal and~~ practical objections that were stated to exist at the outset. It will be possible merely to point out that they do exist. In view of the fact that a state supreme court has held the preferential ballot to constitute an unconstitutional limitation of the freedom of voting, a wholly senseless and unsound decision it is true, but nevertheless an authority for that view, it seems reasonably certain that the proportional representation

plan that would limit the voters to casting one first choice for a council at an election in which a number of councilors are to be elected would be declared unconstitutional. Certainly such a holding would have much more to justify it than did the holding with regard to the simple preferential ballot.

As practical objections there may be urged, in the first place, the unavoidably complicated description of the voting process, which is quite unintelligible to persons of much higher intelligence than that of the average voter, ~~without very careful examination.~~ This means that the average voter will have to take the results of the system of counting on faith, and naturally many will be sceptical and suspicious and so far from having their interest in voting increased it will be decreased. Secondly, the complicated voting process makes the recount of the ballots in large voting districts very much more difficult. It is quite impossible to note the effects of even gross election frauds on the face of the returns with this plan and if the election officers are corrupt, their corruption is much more difficult to discover. Third, a satisfactory working of the recall, if such a thing is possible, has certainly not been worked out under this system of election. Finally, it may be urged that even should we grant all that enthusiastic advocates claim for this system, it is strategically unwise for the supporters of good city government to advocate at this time so radical a change in the manner of constituting the governing bodies of our cities. Two years after the National Municipal League declared itself in favor of a mayor and council form of government in the municipal program of 1899 commission government came into existence and received the enthusiastic support of municipal reformers. Some ten years later the city manager plan began to be offered as an improvement on commission government, and now before the latest development has been given a chance to prove or disprove itself, reformers are advertising an-

other departure. Small wonder that many persons are confused by this apparent vacillation and accuse municipal reformers of not knowing their own minds. Much better would it be for the cause of municipal reform if all efforts were concentrated on urging the commission manager plan in its present form until its value has been recognized, before we muddle matters more by asserting that the plan which has received such general approbation be modified by a new departure, even granting that the departure advocated were capable of accomplishing everything that its advocates claim for it.

## PROPORTIONAL REPRESENTATION<sup>1</sup>

### A REPLY TO PROFESSOR HERMAN G. JAMES

Proportional representation is now "a real issue," says Professor James in the April issue of the *National Municipal Review*, "which must be faced at once by those who are leaders in moulding public opinion along lines of municipal progress." We who are advocates of proportional representation acknowledge with much pleasure this admission of the great advance recently made in America by our cause, but we welcome no less warmly the criticisms which Professor James directs against our proposals. The case against proportional representation is stated fully, moderately, competently. For us this is a great advantage: we understand more clearly the difficulties which proportional representation presents to the minds of those who are as earnest as ourselves in their devotion to reform; we are confronted with the weaknesses, if any, of our position; we must deal with objections formulated with so much authority. The whole article compels thoughtful discussion, and from such discussion proposals for reforms based upon

<sup>1</sup> By John H. Humphreys, Secretary of the Proportional Representation Society, London. *National Municipal Review*. 5: 369-79. July, 1916.

sound principles always emerge with added strength, with increased support.

Professor James classifies his objections under three heads, theoretical, legal, and practical; it will be convenient, therefore, to examine them in this order. The real point at issue, however—it runs right through the article—is the relative merit of different methods of election; and as it is desirable that this discussion shall have practical results, shall enable those who follow it to arrive at definite conclusions, I shall, before proceeding to deal with the objections in detail, contrast briefly the three principal methods available for electing a council—the block vote, the ward system, proportional representation.

With the block vote councilors are elected by the city at large or by districts of considerable size each electing several representatives; each elector has a vote in respect of each seat to be filled. Under this system the largest group of citizens, by nominating a full list of candidates and giving one vote to each, may win all the seats, leaving all other groups without representation. This system is in use in Lewisham, the London borough in which I live. For the past nine years the majority there has held all the seats. The Progressive minority (a municipal group), numbering about 40 per cent, has had no representation, and a feeling of hopelessness has crept into all its organizations. The same system was used in the election at large of fifteen delegates to serve in the last New York constitutional convention; the Republicans elected all fifteen.

This simple form of the block vote may be modified by incorporating with it provisions for preferential voting. In the sense in which the term is used in America, preferential voting is intended to insure that each person elected by it shall be a candidate who is favored by an absolute majority of the votes. From his article I gather that Professor James approves of the election of

the governing body of a city—the council or commission—by the block vote carried out with this preferential ballot. On this point “all leaders in moulding public opinion” must think out their own position with equal clearness. Do they, or do they not, approve of a method of election which may leave 40 per cent or more of the citizens without representation in the council which decides policies affecting all?

With the second method, the ward system, the city is divided into comparatively small districts each of which elects as a rule one representative at a time. The elected councilor is supposed to represent all the citizens who sleep in his ward, but who may differ as widely as the poles in their views on municipal policies. These citizens are usually agreed in nothing save the interests of their section of the city, and that explains why the representative so often considers and votes upon municipal problems in the light of the interests of his ward only. Under this system the public-spirited may find their votes completely nullified by the votes of those who have accepted favors from the ward boss; the former possess the right to vote but not the right, which the franchise was intended to confer, to choose a representative.

Under the ward system a leader like Alderman Charles E. Merriam of Chicago, who really represents a large percentage of all the voters of the city, may lose his seat merely because he fails to receive the largest vote in the particular ward in which he happens to live. This may be the fate even of the leader whom an absolute majority of the citizens would elect if they could. In the London county elections of 1907 their supporters and the county lost the services of two ex-chairmen of the council, the vice-chairman, and several chairmen of committees—all chosen by their colleagues for these positions because of their special fitness. Manchester and other English cities have lost some of their ablest councilors in the same way, defeat by small majorities in a

ward election. Under the block vote the danger of a sweeping change of personnel is obvious: under that system the turn-over of a trifling percentage of votes—the small number often sufficient to turn the scale—may mean the defeat of a whole group of councilors of long experience.

Proportional representation takes the good features of the two systems already outlined and adds others of its own. The election is held at large—the good feature of the block vote—so that the broader outlook, the needs of the city, may prevail over the narrower outlook of the ward. It accepts, too, one of the ideas on which the ward system is based. If a city, with a council of seven, is divided into seven districts or wards of approximately equal size, each one-seventh of the citizens secures one-seventh of the representation. Under proportional representation one-seventh of the citizens would be equally entitled to one-seventh of the representation. But the character of the constituency is changed: it is no longer a seventh of the citizens who live in adjoining streets and think differently; it is a seventh who may live in different parts of the city but are agreed in their views on municipal questions. Under such a system the votes of the public-spirited are not nullified by those of the dependents of the ward-manager: electors are free, in choosing representatives, to join with those who are like-minded; the majority does not monopolize representation, but each important group secures its fair share; municipal leadership is encouraged—the Merriams must fight for their group and for their principles, but they have reasonable security of tenure since the retention of their seats depends not on their opponents but on their friends. Under such a system all citizens, within the limits of practicability, will be brought into association with the council; they will follow its proceedings and discussions with greater interest, for each will have a representative in whose election—in whose *selection*—he took an effective part.



The foregoing analysis of the three available methods of election will enable me to deal more lucidly with the objections raised by Professor James. He prefaces them with a statement of the claims made for proportional representation which concludes in these terms: "There will be reflected in the council every important shade of political opinion that exists in the community, and the action of the council will represent in the end the composite of the opinions of the electorate, instead of merely the opinion of the majority." I prefer, more particularly as the article deals with cities, to state the case as follows: Under proportional representation every important group of citizens who are in agreement in respect of municipal policies will be assured of representation in proportion to their strength; and, as a consequence of this fair and complete representation, the action of the council on any issue submitted to it will be determined in each case by the representatives of a majority of the citizens; while before any decision is taken, the representatives of the minority will be in a position both to criticize the proposal of the majority and to forward suggestions of their own for consideration.

Three alterations have been made, and in commenting upon them I shall answer the main objections made by Professor James. The first change is merely verbal and has little significance. For "shades of political opinion" I have substituted "groups of citizens agreed on municipal policies." If the words "political opinion" are interpreted in their broadest sense, no real change has been made. I desire, however, to emphasize the fact that proportional representation facilitates more surely than any other method of election the elimination of national politics from municipal elections; it encourages the grouping of citizens around municipal policies and issues, with which the principles of the two largest national parties surely have little to do. If, as Professor James suggests, more or less permanent municipal parties

arise, it will be because the two main tendencies in human thought—the progressive and the conservative—will find expression therein; but proportional representation is so flexible, it adapts itself so readily to the needs of the moment, that it is more probable that, as M. Ostrogorski contends, new groups, new parties will arise as new municipal problems and issues emerge for consideration.

The second alteration is much more important. I have inserted the clauses "*in consequence of this fair and complete representation, the action of the council . . . will be determined by the representatives of a majority of the citizens.*" Complete representation, I contend, that is, representation as complete as is practicable, is necessary to insure majority rule. For let us examine what takes place when the council represents "merely the opinion of the majority." In this case the members of the council will perhaps have been elected by, and will speak for, but little more than half of the citizens. A majority of the members will be sufficient to determine any of the important questions brought before the council. But a majority of the members will not represent a majority of the citizens: they will speak for much less than half. Thus the representation of the majority only often means minority rule.

Let me illustrate this contention. Citizens may be divided into four groups holding different views on municipal questions. The first group may be made up of men interested in business, in contracts, in the preservation of privilege and monopoly of all kinds, and partly of men merely conservative. The second group may be keenly interested in social welfare activities in respect of which it wants its city to stand pre-eminent; this group may at the same time be opposed to government ownership, contending that municipal franchises should be strictly controlled but not operated by the city itself. The third group might be convinced that it is in the pub-

lic interest that the city should own and operate street-car lines and all enterprises of a municipal character. The fourth group, the socialists, might desire to press still further the policy of municipal ownership. Under the proportional system these principles and the issues related to them would be clearly discussed at election time, and after the election all four groups would be represented fairly. A distinct issue might then be raised in this representative council, say the establishment of a system of playgrounds such as that of Chicago. In respect to the proposal each representative would have to go on record. The second, third, and fourth groups would probably approve; and if their representatives constituted a majority, the views of the majority of the citizens would prevail. A second and quite different issue might then arise, the establishment of a municipally owned and operated electric-light plant. The third and fourth groups would approve, but unless their representatives constituted a majority the proposal would be voted down. In each case the majority of the citizens decide because all are represented. Contrast the work of this proportional representation council with one elected under the block-vote majority system. The four different groups would still exist, but they would have to find representation as best they could. Amalgamations would take place. Many of the second group (supporters of social welfare reforms), alarmed at some of the proposals of the third and fourth groups, might find themselves, somewhat unwillingly, compelled to vote for candidates nominated and controlled by reactionary influences. The latter might have made some concessions by including in their ticket the names of a few reformers. The composite ticket wins, and the third and fourth groups are unrepresented. The decisions now taken in the council will be determined by a majority of the members elected on the composite ticket, and decisions favorable to reactionary interests may be taken which would

have been rejected had all the citizens been fairly represented. The council represents the majority only, and the minority rules.

The third alteration is equally important. The action of the council, instead of representing, as Professor James suggests, "the composite of the opinions of the electorate," represents in each issue the wishes of the majority who are free to accept or reject the suggestions of the minority. I challenge particularly, in respect of the council's action, the use of the word "composite": it suggests haziness, indefiniteness—whereas proportional representation does not confuse, it clarifies, the presentation of issues. Again let us use an illustration. The question of a large city improvement may come up for decision; a majority approves and it is carried. This improvement may involve the displacement of many poor families, and hardships may result in many cases whether the law provides for compensation or not. Under proportional representation there are likely to be in the council representatives who have especially at heart the interests of the poorer classes. The considerations urged on their behalf are admitted, and the scheme is modified, or rather improved, so that the hardships, so far as possible, are obviated. There is no haziness about these decisions. The majority decided in favor of the improvement and it was carried. The representatives of minorities criticized and made suggestions. The suggestions were accepted, but again the decision was taken by the majority. Each issue was presented clearly and separately and determined upon in accordance with its merits. Professor James says: "The more truly the councilors reflect the conflicting interests of the constituencies, the more difficult does the process of legislation become, and the more unsatisfactory will the finally inevitable compromises prove." The fact is, as my illustration shows, that legislation is improved—the shoe is made to fit—when the experience, the needs, of all classes of citizens

are presented within the council. Unsatisfactory compromises, unintelligible haziness are the characteristics of the majority system, which compels different classes of citizens to find expression, if they can, through some common denominator, to get representation through a composite ticket. But, says Professor James, "however lengthy and careful may be the discussion . . . the final action is and must be taken by majorities." This statement is obviously true. With the majority system of representation all the planks in the compromise platform are steam-rolled through by one and the same majority; with proportional representation each separate issue is determined by a majority of the citizens, but it may be by a different majority.

Two other points raised by Professor James call for comment. "How," says he, "can a councilor, elected by one-tenth of the voters of a city, not knowing who his electors were or what policies they represent, reflect the political opinions of any one but himself?" This sentence reveals so complete a misunderstanding of what takes place and must take place under proportional representation that I am astonished that it finds its way into print. Professor James is evidently troubled by the claim made by proportional representation advocates that independent candidates may sometimes be elected. The independent candidate, if elected, will certainly not be some one who, as it were, is in the air, detached from and unrelated to the questions which enter into the election; he will be an independent with a long record of public service behind him, in itself a sufficient indication of his views, or a candidate with a distinctive policy or new issue which other groups have refused to endorse. It is inconceivable that in any municipal election under proportional representation a candidate would give no indication of his views. The electors are going to choose representatives. On what grounds will a candidate with no record to work behind him, no policy to enun-

ciate, appeal for support? Under proportional representation there will be the greatest political sympathy between the councilor and those who chose him: they will have selected him because they approve of him and his policies.

The other objection raised is the weakest of all. Professor James reminds us that representation cannot possibly be complete or perfect in character; "the dreams of the proportional representation advocates are not possible of realization." We are practical men and know full well that it is not possible to provide under any scheme of election that every group, however unimportant, shall be represented; but why is this an objection to providing for the fair representation of groups that are important? For these proportional representation can and does secure representation; and when, as will be the tendency, municipal groups are based on principles, even the smaller matters will fall into their proper place.

Hitherto we have been examining the case of a representative city government, one in which all matters of policy are determined. "But," says Professor James, "under the system of direct government which we are rapidly approaching, and which they [the advocates of proportional representation] endorse, important questions of policy are no longer left to the decision of the representative body. Under those circumstances *the only issue in the choice of candidates is one of personality and character.*" A good many leading advocates of proportional representation do not approve of direct legislation; they support proportional representation because it strengthens and perfects representative government; they oppose direct legislation because it replaces representative government, substituting for the legislative chamber a body less competent to work out the details of legislation. I admit, however, that there is much agreement between those who are working on different lines for the improvement of democratic government, but

I was not aware that the leaders in the movement for direct legislation wish to destroy representative government altogether. Mr U'Ren, with whom I discussed these matters in Oregon last December, informed me that he had in view, from the very beginning of his reform agitation, the creation of a deliberative and fully representative legislature. He is still pursuing his original aim. Other advocates of the initiative, referendum, and recall whom I met in the west expressed the opinion that these instruments should be used sparingly, their object being to control, not replace, representative government. The leaders, as Professor Barnett says, recognize that direct legislation can be overworked; they fear that "its overuse will bring reaction and endanger its existence."<sup>1</sup> Last year some forty-seven separate propositions were submitted at the same time to the electors of California. In common with these leaders I do not desire to overtax the capacity of voters; I approve of the short ballot movement for a similar reason; it seeks to concentrate the attention of electors upon a few things which they can do well, to wit, the election of representatives. Further, with direct legislation the voters must reject or accept a bill as presented. P. P. Woodbridge, secretary of the United Farmers of Alberta, told me that he assisted in carrying by referendum a prohibition act for his state, although it contained clauses which he detested, one of which penalized a householder on whose premises were found tumblers such as are used in saloons. In a legislative chamber there would have been a separate decision on that point. Perfected representative government still has many advantages over direct government. I cannot admit, therefore, that the time has come or is coming when the only issue in the choice of candidates is one of personality and character.

But even were it so, the Hare system allows each group of citizens to select the representatives it most

<sup>1</sup> James D. Barnett. *The Operation of the Initiative, Referendum and Recall in Oregon*. p. 81-2.

prefers. Professor James is again troubled. "If," says he, "one-tenth of the electorate is law-breaking, corrupt, and disgraceful, proportional representation insures their representative a seat in the council. That is a kind of democracy which I for one cannot endorse." Apparently Professor James would choose for them. But one of the great merits of proportional representation is this: it will allow the public to see what kind of representative these law-breaking, disgraceful citizens will elect. Their representative will be isolated, and there is nothing like isolation in full view of the public to destroy both corruption and those conditions in which it breeds. Moreover, with the system of majority representation, these law-breaking, corrupt, and disgraceful citizens still exist, but they do not stand alone: they enter into and often corrupt the municipal group which trades for their support; their votes are purchased, not necessarily with money, for the more these corrupt influences are hidden, the more powerful they are; the decisions within the council of the composite majority often reflect the terms on which that majority secured its power.

#### LEGAL OBJECTIONS

A state supreme court has held the preferential ballot (the Bucklin system widely adopted in America) to be unconstitutional, and Professor James warns the advocates of proportional representation of the possible fate of their proposals. It is interesting in this connection to call attention to the judicial decisions on preferential voting given in the same issue of the *National Municipal Review* in which Professor James' article appears. The arguments by which the court sustains its judgment in *Brown v. Smallwood* (Minnesota) are valid against preferential voting, but not against proportional representation. The judgment says that "the preferential system greatly diminishes the right of an elector to give an effective vote for the candidate of his choice. If



he votes for him once, his power to help him is exhausted. If he votes for other candidates he may harm his choice but cannot help him." The judgment fastens upon the essential defect in the Bucklin system of preferential voting which Professor James endorses. *The expression of a second-choice may harm the first-choice.* The Bucklin system does not even insure majority representation. As soon as the largest group of electors discover that it does not pay to record second preferences, the Bucklin system will tend to break down. Were I an organizer and wanted to control the election, say, of a council of five, and the Bucklin system was in force, I should advise the supporters of our group to give first-choice votes to each of our five nominees and to throw away their second-choices. Our group might command only 45 per cent of the votes, but, the accretion of second-choices given by supporters of other groups not so wide-awake, we might secure all five seats. At the last elections in Cleveland, Ohio—they were held under this system—only a small percentage of the electors exercised their second choice, and some of these regretted having done so.

The other opinion quoted, the judgment in *State v. Thompson* (North Dakota) reads as follows: "Our system of government is based upon the doctrine that the majority rules. This does not mean a majority of marks, but a majority of persons." Proportional representation complies with the terms of this judgment; it is based upon the doctrine that the majority rules; it asserts that, to secure majority rule, all must be represented as fairly as the circumstances permit. If majority rule is a first principle of American government, the advocates of proportional representation need not despair. But granted that there are constitutional difficulties in the way of proportional representation, the obstacles have to be overcome.

## PRACTICAL OBJECTIONS

The practical objections may be dismissed in a few words. Proportional representation, it is alleged, "is an elaborate and complicated election procedure." The average voters "will be sceptical and suspicious, and so far from having their interest in voting increased it will be decreased." Wherein lies this great complication? The Hare system is supposed to be the most complicated of all. Yet its rules for counting consist, in the main, of directions for the sorting and transferring of ballots according to the preferences marked upon them. The written rules for baseball give an appearance of complexity to one who has never watched or taken part in the game. The electoral officers who have carried out elections under the Hare system do not complain: they find each of the operations sufficiently simple. Further, the facts show that the interest in voting is increased, not decreased. The citizens, instead of being suspicious, begin to wake up when they realize the effect of the new system. The working-men of Johannesburg understand full well that they will obtain one representative on the city council for every quota of votes polled; they therefore endeavor to poll as many quotas as possible. In Tasmania, when the figures are announced, some of the citizens are adepts in working out what the quota must be. The truth is, the Hare system made its first advances among working-men, trades unions: so far from being alarmed at its complexity, they recognized its fairness and put it to use.

The second objection is that some of the election officers may be corrupt and that their corruption may be more difficult to discover. It would seem desirable to get rid of corrupt election officers in any case, and I know of no case where corruption has been alleged against any officers charged with the administration of the Hare system. Corruption, instead of being more difficult to discover, is more difficult to perpetrate: not

only must the presiding officer in a voting precinct be corrupt, but all the other precinct officials and all those at the central office, through whose hands the papers must pass, must connive at the corruption.

The third objection is that the satisfactory working of the recall is impossible. If the recall is necessary, the proportional system supplies the only machinery in which its fair use can be guaranteed. The city council of Berkeley is not elected under proportional representation, but nevertheless two Socialist councilors, representatives of the minority, were elected when Stitt Wilson, a Socialist, was elected mayor. The recall was put into operation, so Mr. Wilson informed me, for the purpose of withdrawing these representatives of the minority from the council. The attempt failed, but Mr. Wilson saw in this attempt what an unfair advantage the recall places in the hands of an unscrupulous majority. In Ashtabula, where the Hare proportional representation system is used, the position of a representative of the minority is safeguarded: the recall is put into operation only if 75 per cent<sup>1</sup> of those who signed the nominating petition of the elected councilor also sign the recall petition. A minority member cannot be recalled so long as he commands the confidence of those he represents. I am hoping that, with proportional representation, the recall may not be necessary; it implies that we cannot trust the representatives we elect. To obtain the best representatives we *must* trust. I prefer to trust and to take the risk of my representative failing me. Under proportional representation I know he will have every reason to keep faith: he will depend for re-election upon those who voted for him in the first instance. He cannot take refuge under any umbrella such as that which the majority system, with its composite ticket, affords.

The final objection is best answered by those who have had experience of the commission-manager plan of

<sup>1</sup> This percentage is perhaps too high. J. H. H.

government. Professor James fears that it is "strategically unwise for the supporters of good city government to advocate at this time so radical a change in the manner of constituting the governing bodies of our cities." Let Lent D. Upson, recently director of the bureau of municipal research at Dayton, answer. When proportional representation was being advocated for Ashtabula, he wrote as follows: "I am sorry that my own city of Dayton should not have been chosen to make the experiment. . . . The experience of a year and a half has now demonstrated the need of a more satisfactory method of connecting public opinion with the government itself. Our administration is honest, highly efficient, and has exceeded my most enthusiastic expectation so far as results are concerned. I feel, however, that its work would be strengthened if every element had a voice in the policy-making body, and was compelled to go on record regarding the very matters which they are now criticizing. . . . I feel confident that *the greatest success of our present type of government [commission-manager plan] will come under some system of proportional representation.*" The last sentence, which I have italicized, should give Professor James pause. Let me add to it another, this time from Professor C. A. Beard: "*The great gains of the new forms of city government cannot be retained unless provision is made for proportional representation.*" Yes, it would indeed seem that proportional representation has become "a real issue which must be faced at once by those who are leaders in moulding public opinion along the lines of municipal progress."

### THE FALLACY OF THE SNAPSHOT<sup>1</sup>

It appears now that there was no truth in the categorical statement which was circulated last week to the effect that the Minister of Health had been in-

<sup>1</sup> *The New Statesman*. 18: 637-9. March 11, 1922.

structed by the government to draft a proportional representation bill, which was to be passed into law before the general election. We are not, therefore, obliged to deal with the question as an immediate practical issue; and, indeed, it seems highly improbable that a great and complex scheme of redistribution, such as the introduction of proportional representation would involve, will be undertaken by the present Parliament even if it should remain in being for another twelve months. The advocates of proportional representation, however, are very active just now, and appear to have been gaining a certain amount of support on what we may, without intending offense, describe as false pretences—that is to say, by advancing their scheme as a remedy for the notoriously unrepresentative character of the present Parliament and as a safeguard against the possible results of an unprecedented number of three-cornered contests in the next election. We call these “false pretences” because the problem of the three-cornered contest can be very simply solved by the introduction of the alternative vote, and has no real connection at all with the essential character of the change which proportional representation would bring about; and as for the present House of Commons, its unrepresentative character is due primarily and fundamentally not to the system by which it was elected, but to the circumstances of the particular moment at which it was elected. If we had had proportional representation in 1918 (with constituencies returning from three to five members each) the Coalition majority might possibly have been two hundred instead of four hundred, but any theoretical or moral advantage which the opposition might have derived from being rather less heavily outnumbered in the division lobbies would have been far more than offset by the fact that, as there would have been no by-elections, by which the subsequent swing of public opinion could be unmistakably recorded, the

present policy of the government would probably be even less in accord with the wishes of the electorate than it actually is. To put the point in a quite concrete fashion, it is not unlikely that if the present Parliament had been elected by proportional representation, it would have adopted three-quarters instead of only a third of the educational "economies" proposed by the Geddes Committee.

If more people would only realize that the essential test of an electoral system is not its static efficiency but the dynamic efficiency, the system of proportional representation would very soon, we believe, be left with none but conservative supporters. It is an intrinsically anti-democratic device. We do not suggest that its principal advocates are actuated by Machiavellian motives; on the contrary, we believe that their attitude toward the question is determined rather by short-sightedness than by far-sightedness, and that they have allowed themselves to be blinded, by its superficial mathematical attractions, to its probable effects upon the practical working of the democratic machine. It may be noted that they invariably begin their expositions of proportional representation with a statement of this kind: "The purpose of an election is to produce a House of Commons which is a numerically accurate reflection of the opinions of the electors." They regard this as a truism, and so in a sense it is; but it is a truism which covers a profound fallacy. If it were practicable (and otherwise desirable) to elect a fresh Parliament every six months, there would be a great deal to be said for proportional representation, but so long as our Parliaments are quinquennial, or even triennial, what we require of the House of Commons is that it should be not a snapshot of the electorate at a particular moment, but a moving picture. By all means let the picture be as accurate as possible, but it is infinitely more important that it should move, and if we obtain a greater

momentary accuracy by any sacrifice of its capacity to reproduce subsequent developments of public opinion, we shall have made a very bad bargain. Yet that is exactly the bargain which advocates of proportional representation are asking us to make.

In point of fact, periodic general elections, as such, can never provide a really satisfactory means of making the popular will effective, partly because it is impossible to prevent a government choosing its own moment for a snapshot, and gaining long terms of power by "khaki elections," but still more because it is quite impossible for the individual elector to express his views on a dozen different subjects by a single vote, no matter how many candidates he has to choose from, especially as neither he nor the candidates can foresee half the issues that will arise before another Parliament is elected. That is why it is more important, and will always be more important, that the Representative Chamber should be sensitive than that it should be a mathematically accurate reflection of the electorate at a given moment. The great advantage of our present system of single-member constituencies is that it gives us a peculiarly sensitive machine. Advocates of proportional representation always argue that it tends to exaggerate changes and movements of public opinion. That is partially true, but what could be better? We wish it exaggerated them still more; for the danger is never that Parliaments and governments will be too frightened of the electors and too sensitive to their wishes, but always that they will not be nearly sensitive enough. Moreover, there is the further point to be remembered that when a turnover of opinion occurs it is never accurately reflected, but always minimized by the ensuing turnover of votes, because so many electors stick to their party through thick and thin. Thus, out of ten Liberals, let us say, who are opposed to the policy of a Liberal government on liquor licensing or naval construction, not more than two or three perhaps will actually vote against the Liberal candidate in a by-

election, and a certain exaggeration is therefore actually needed to reflect the real views of the electors. This suggests an interesting further reflection. If it were to come about, as the result of intensive political education, that 95 per cent (instead of, as at present, perhaps 40 per cent) of the electors were loyal party men, we should have to devise some means of further exaggerating the very small turnover of votes which would take place from election to election, or public opinion would have no means of expressing itself at all! It is a highly improbable hypothesis, of course, but it is worth considering, because it illustrates the importance of the dynamic as contrasted with the static element in all electoral systems.

A House of Commons elected by proportional representation would be immeasurably less "sensitive" than a House elected by single-member constituencies for two reasons; first, that something like two-thirds of its members would probably have safe seats for life, and, second, that there would be no by-elections which could serve as reliable indexes of the movements of public opinion. The second part is admitted by the advocates of proportional representation to be a disadvantage, though they seek to minimize its importance; but the first is often claimed as a positive merit. Able and experienced politicians, they argue, ought not to be exposed to the vicissitudes of fortune at the hands of a fickle electorate. With this view we most emphatically disagree. It is perfectly true, of course, that the nation is not so rich in political talent that it can dispense with the services of any of its leading statesmen. But when, under the present system, has it had to do so? Mr. Gladstone, Sir William Harcourt, Mr. Balfour and Mr. Asquith, all suffered personal defeat, but all soon returned to the House. Statesmen of such eminence might certainly, with advantage, be given safe seats, but it would be an advantage very dearly purchased if more



than half the House of Commons were to secure safe seats at the same time. Moreover, human nature being what it is, even a Prime Minister is likely to keep his ear a little closer to the ground if his own seat, as well as those of his supporters, depends upon his faithful interpretation of the will of the country. Mr. Balfour's defeat in 1906 was thoroughly well deserved. There are many people who honestly desire to see a great many more "independent" members in the House of Commons, and who advocate proportional representation on that ground. They believe that it would be better if Parliament were less apt to be influenced by "the appetites and opinions of the mob." This belief embodies a perfectly intelligible and respectable ideal, but it is essentially a Tory ideal. As democrats, we wish to see Parliament not less but more influenced by the views of "the mob," for "the mob" is the nation, and if the nation cannot be trusted then democracy is a false doctrine. Who are the "Diehards" who at this moment are opposing the Irish settlement? Broadly, they are the "independents," the men who either do not intend to stand again or else have comparatively safe seats, largely in watering-places and middle-class dormitories. Does anyone suppose that Mr. Rupert Gwynne, for example, would speak and vote as he does if he sat for a division of Leeds or Salford instead of for Eastbourne? If Parliament is to be a truly and sensitively representative body we should seek not to increase, but to reduce, the number of safe seats.

As for the question of by-elections, advocates of proportional representation as we have said, deliberately underrate its importance. A system of five-member constituencies would make the by-election, as we know it today, impossible, because there would be no General Election figures with which its results could be compared. You could not poll the whole of Manchester because one of its five or seven members happened to

have died or resigned, and even if you did the result would have no clear relation to that of the preceding general election when perhaps fifteen or twenty candidates were in the field. In short, the by-election as a distinct element in our political system would disappear, and with it would go the most important and effective means that the electors at present possess of forcing the government from time to time to recognize their views and modify its policy accordingly. It is almost impossible, we believe, to overestimate the practical value of the by-election as an instrument of political democracy; and the fact that the advocates of proportional representation have been able to devise no substitute for it has always been one of the weakest points in their propaganda.

We have enlarged on the question of the "sensitive-ness" of Parliament as an instrument of *dynamic* representation, because that, in our view, is the vital problem; and we have not left ourselves space here to consider adequately certain other objections to the doctrine of proportional representation. In practice as might be expected, proportional representation vastly increases the power of the party machine since it is virtually impossible for anyone to fight the enormous constituencies which the system involves, without the aid of a highly-elaborate and expensive organization; this, indeed, was the main ground upon which proportional representation was advocated and eventually adopted in France, where party discipline was very generally felt to be too weak. At the same time proportional representation tends to decrease the influence of active minorities. Under our present system a well-organized minority—the sabbatarians, for instance, in the London County Council elections, or the prohibitionists in many American states—may be able to turn the scale in a score of constituencies, although in the aggregate they might not be entitled to, and under

proportional representation would not obtain, more than one member out of the twenty. As it is, in the absence of an equally strong organization on the other side, they succeed in controlling on the particular question in which they are interested, perhaps fifteen of the twenty elected members. We do not cite this point as a disadvantage of proportional representation—on the contrary, we regard it as one of its very few real advantages—but merely to illustrate the misleading character of much proportional representation propaganda.

A far more important question is the effect of proportional representation in promoting and crystallizing the group system of Parliamentary government. We have seen something in this country during the last year or two of the results of the group system, the shifts and bargains and incalculable reversals of policy which it tends to involve; and most of us are only too anxious to get back, if possible, to the two-party system. Many people hold that the group system has in any case come to stay. We do not believe it. We believe that the two-party system is a fundamental premiss and tendency of British political thought, and that, though it has been temporarily upset by the advent of the Labour Party, it will inevitably be re-established very shortly unless the natural course of events is diverted by some such electoral system as that of proportional representation. The advantages of the two-party system are obvious. The most important is that it provides automatically, in normal circumstances, for a really effective opposition—which the group system never does—and the value of an effective opposition, which opposes and criticises for the sake of opposing and criticizing, is precisely comparable to the value of counsel in a hard-fought action. Organized, able and deliberate opposition affords the best practical guarantee that it is possible to obtain of efficient popular government. It keeps

the government alert, and increases that "sensitiveness" which we have already emphasized. Two or three separate opposition groups, facing two or three government groups, cannot, as we have seen of late, or as may be seen by observation of French politics at any time, effectively perform this essential function. It may be, of course, that we are too sanguine, and that the group system will not disappear in this country so easily and quickly as we imagine, but at least, we can avoid the adoption of electoral methods which will positively increase its chances of survival. There are, no doubt, many people who, when they thoroughly grasp all the issues and the profound changes which will be involved in the substitution of multiple-member for single-member constituencies, will still be in favor of proportional representation, but we do not believe that they will ever be a majority. The danger we anticipate is that the proportional system may be adopted without any general realization of even its calculable effects, and that the country may be unintentionally committed to an essentially reactionary course. Our purpose here at any rate is less to convince the reader of the soundness of our own view than to persuade him to consider the problem realistically as well as mathematically. Would the perfect snapshot, even if it were perfect, be worth the price we should have to pay for it?

### SOME DEMOCRATIC OBJECTIONS TO PROPORTIONAL REPRESENTATION<sup>1</sup>

Up to the moment, a few weeks ago, when the government introduced their revised proposals for the constitution of the Upper House of the new Irish Legislature, proportional representation cannot be said ever to have been a live political issue in this country. Like many another cause, it has long been able to exhibit a

<sup>1</sup> By Clifford D. Sharp. *Contemporary Review*. 102: 833-8. December, 1912.

quite imposing array of influential supporters, but—and this is a far more reliable index to its actual progress toward the sphere of practical politics—the opposition to it is still almost wholly undeveloped and inarticulate. So far, the chief obstacles which its advocates have had to overcome have been the mere inertia of ignorance, and the inevitable suspicions of conservatism. They have had but little reasoned argument to meet.

This is not to say that the objections to proportional systems of representation have never been formulated. The very able report of the Royal Commission on Electoral Systems, issued in 1910, contains a full statement of the reasons which led the commissioners to pronounce their almost unanimous adverse verdict. But the subject is not a popular one, and, apart from those who are definitely connected with the propaganda of proportional representation, it is doubtful whether more than the merest handful of people have ever set eyes on this report. A summary of the conclusions of the Royal Commission might, therefore, not be out of place here; but space forbids, and the attempt in this article will be merely to elaborate certain special objections to proportional representation which are referred to in the report, but which have never, either there or elsewhere, been given the emphasis which, in the opinion of the writer, they deserve.

The case for proportional representation rests mainly, if not exclusively, upon the admitted fact that under our present electoral system the majority which the party in power commands in the House of Commons is usually out of all proportion to the majority which it commands among the electors. In eight out of the nine general elections which have taken place since the general adoption of the single member constituency, this "discrepancy" has taken the form of an exaggeration of the government majority. In the remaining case, that of 1886, a Liberal majority among the electors of the United Kingdom resulted in a Conservative majority in

the House of Commons. This exception, however, as the Royal Commissioners showed, was due to special circumstances, which are not likely to recur if home rule be adopted, and which would disturb the normal operation of any conceivable electoral system. That a proportional system does not provide security against such accidents is, indeed, amply proved by the fact that in two general elections following the adoption of proportional representation in Belgium, a majority of members were returned by a minority of votes. In 1900 the Catholic party polled only 48.9 per cent of the votes of the electors, but nevertheless obtained 56.6 per cent of the seats in the Chamber. The actual figures (taken from the *Journal of the Proportional Representation Society*, for July, 1910) were as follows:—

	Votes polled	Seats obtained
Catholics .....	1,003,099	86
Other parties .....	1,047,895	66
	<hr/>	<hr/>
Minority	44,796	Majority 20

The advocates of proportional representation have, of course, been able to explain away this reversal of the judgment of the electors as having been due to certain features of the Belgian system and other special circumstances; but since the same may be said in regard to similar accidents occurring in this country, there is not very much to be made of them by one party or the other. The real weakness, therefore—if weakness it be—of our own existing electoral system, is that by its tendency to exaggerate majorities it gives an advantage to the strongest party. So that, to make the extreme example of 1906, a majority of 58 per cent among the electors may be represented by a majority of 76 per cent in the House of Commons.

This exaggeration of majorities, it may be pointed out, is not to be regarded as accidental. On the contrary, it is a normal part of the working of a system of single-

member constituencies such as ours. That system does not pretend to make the House of Commons a "small scale map" of the nation; it does not pretend, that is to say, to produce a House in which the number of representatives of each party is strictly proportional to the number of its supporters in the country.<sup>1</sup> What it does pretend, and may normally be relied upon to secure, is that a party which has a small but definite majority in the country shall have a "working" majority in Parliament.

That this exaggeration of majorities is undesirable, seems to be regarded by the advocates of proportional representation as a self-evident proposition. They take it for granted that every right-minded person must wish to see Parliament "a small scale map" of the electorate. This assumption, which is apparent throughout the propagandist literature of the subject, and finds expression in such phrases as "A fully representative House is the best clue to public opinion," appears to depend upon an altogether inadequate, if not fallacious, conception of the nature of Parliamentary government. No doubt it is desirable that the House of Commons should truthfully reflect the *state* of public opinion at the time of the election, but what is, to the democrat, of infinitely greater importance is that it should truthfully reflect the subsequent *movements* of public opinion. In other words, ideal legislative body should be, not only statically, but dynamically representative of the nation. It is not, and never can be possible for the electors to express by their votes at a general election their wishes upon one-tenth of the subjects which will be dealt with during the life of the coming Parliament. What they require of the legislative machine, therefore, is analogous to what the

<sup>1</sup> "We were informed by a mathematical witness that with fairly equal balance and even distribution of parties—the most favourable conditions for the operation of the single-member constituency—the normal result of an election would be a ratio of members returned as the cube of the ratio of votes; in other words, a majority of 11 to 9 in votes would obtain a majority in seats in the proportion of 11<sup>3</sup> to 9<sup>3</sup>, or nearly two to one."—*Report of the Royal Commission on Electoral Systems*, p. 11.

ordinary man requires of his barometer—namely, that it should be as sensitive as possible to changes of atmospheric pressure. That it should have been accurately set in the first instance to measure the “absolute” pressure is to him a matter of very second-rate importance. In the same way, it is by their “dynamic,” rather than by their “static,” efficiency that all electoral systems must eventually stand or fall.

Considering our present system from this point of view, it is easy to discern full justification for the so-called “exaggerated majorities.” When at a general election one government is turned out and another installed, it is evident that a swing of public opinion has occurred. But owing to the strong tendency of the electors to stick to their party through thick and thin, the actual transference of votes very greatly *under*-represents the swing of public opinion. Consequently, if the swing of public opinion is to have its due effect upon the legislative body, it is necessary to find some means of exaggerating the transference of votes, and so neutralizing the dead-weight of the strict party man.<sup>1</sup> It would thus seem that the “exaggerated majorities” upon which the advocates of proportional representation base so much of their case are, after all, not a defect, but one of the chief virtues of our existing electoral system.

But in any case these considerations refer solely to the *initial composition* of the House of Commons, which, as we have already urged, is a matter of quite secondary importance. What the democrat is primarily concerned with is the sensitiveness of the House to changes in public opinion, and it is here that the chief, and in the writer’s view fatal, objection to proportional representa-

<sup>1</sup> If anyone should question this proposition, let him consider what would happen if *all* the electors, instead of only a substantial proportion of them, were faithful party men. Members of Parliament would be elected practically for life; changes of government, if they took place at all, would depend upon the internal intrigues of the House of Commons; and all democratic control over legislation would vanish. Such a state of things is, of course, impossible, but the supposition illustrates the importance of the factor of party loyalty.



tion arises. For it is beyond all possibility of doubt that, whatever else proportional representation may do, it will vastly decrease the "sensitiveness" of the House of Commons. The reasons for this are two.

In the first place, proportional representation would give members of Parliament far greater security of tenure than they enjoy at present. Let us assume that a typical constituency, say Manchester, is allotted seven members. Under the present system all seven seats may be secured by one party at one election, and by the other at the next. But under proportional representation, each party would normally hold three seats, and the fight would be for the possession of the seventh. An exceptionally big swing of public opinion might deprive the beaten party of all but two seats, but that would represent the limit of reasonable possibility. In other words, four out of the seven seats would be absolutely "safe." And since it is necessary to the proportional system that the whole the country should be divided into large constituencies of from five to ten members each, it follows that a substantial majority of members would be in the happy position of holding their seats either for life or for as long as their party caucus supported them. It is indeed claimed as one of the "advantages" of proportional representation that the personnel of the House of Commons would be but slightly varied as a result of a general election. The unseating of a Minister, or even of a prominent member, would be a quite unheard-of incident; practically, it could not occur.

The profound effect of such a change will be realized when it is considered that in so far as Parliament is the true mouthpiece of the nation, it is so not because the nation has elected it, but because the nation is going to be asked to elect it again. Under present conditions every member, with the exception of a score or so on either side of the House, is bound to give serious consideration to the effect of his votes and speeches in

Parliament upon his chances of reelection; and that in this fashion public opinion does make itself effectively felt will be admitted by anyone who considers the history of such legislative ventures, for example, as the Old Age Pensions Act, the 1909 Budget and, in the opposite sense, the Licensing Bill of 1908. No doubt many members would be inclined to welcome a release from what they would term electioneering considerations; but it is to be anticipated that their satisfaction would be both superficial and short-lived, for just in so far as they turned their new-found independence to account, by so much would the gulf, already dangerously wide, between parliament and people be stretched—a result which, in the light of certain of the deeper tendencies of political thought today, is scarcely likely to inure to the advantage either of individual members or of the institution of Parliament itself.

In the second place, the constant test of public opinion by means of by-elections, which is so important a feature in our political system, would under proportional representation become impossible. Suppose Manchester as a single constituency to be represented by five Liberals and two Conservatives, and suppose one of the Conservatives to resign or die, how is his seat to be filled? If the whole electorate is polled, a Liberal will presumably be elected, and so the government majority in the House will be increased, even though its popularity among the electors may, since the general election, have waned considerably. To get over this difficulty, many proposals have been made, but no means have yet been found, nor in the nature of the case can be found, whereby under proportional representation, by-election results may be made comparable with general election results, and so afford an index of the movements of public opinion. And so yet another democratic check upon the legislative machine will be swept away. It seems to the present writer scarcely possible to exaggerate the force and weight of this objection to proportional representation,

or to any system involving large multi-member constituencies—that for all practical purposes they would abolish the by-election as we know it.

In this brief article it is not possible to elaborate these points or to give them the emphasis which seems to be their due. Still less is it possible to deal with the many other grounds—such as the inevitable increase of the power of the party caucus, and the enhancement of the election expenses of independent candidates—upon which the proposed change in our electoral system is to be condemned. One further consideration may, however, be referred to. It is of the essence of the proposed system that under it Parliamentary majorities should be small. It may, therefore, be taken as certain that in the normal course of events, the balance will be held by a third or fourth party; and this circumstance, together with the systematic “log-rolling” which will follow as an inevitable consequence, will not only be more common, but far more open to objection than it is now. For under our present system of constituencies represented by a single member, bargains between different parties—or at least the more important bargains—are necessarily made in the light of day before the election, and the electors have an opportunity of condemning them. But with proportional representation, no such necessity would exist. Each party would stand before the electors upon its own independent platform, and the bargains would be left to be made at a later date inside the House of Commons, with no shadow of sanction from the nation. The term “log-rolling” might then indeed come to have a very real, and perhaps a very sinister, significance.

The Royal Commission expressed the view that proportional representation might provide a not unsuitable method of electing a Second Chamber. Many advocates of the system have treated this as if it were a most damaging admission. “If it is suitable for a “Second Chamber, why not for a First?” is a question which they apparently deem unanswerable. That such a question

can even be asked seems to indicate a complete failure to appreciate some of the most elementary factors in the working of democratic machinery. The functions and responsibilities of a First Chamber differ fundamentally from those of a Second Chamber. The First Chamber not only controls taxation, but initiates the great mass of legislation, and in every vital particular determines its character. The Second Chamber, or at least the ideal Second Chamber, is confined to revision and coordination, and above all has no power to make or unmake governments. The primary test of a First Chamber is its capacity for sympathetic response to the movements of public opinion. The primary test of a Second Chamber, with its limited, semi-judicial function, is the quality of its personnel. In view of such differences it would be strange indeed if the same method of election were the best for both.

In conclusion, perhaps the writer may be permitted to express his personal view, founded upon a not inconsiderable study of the subject, that the system of popular government which we in this country have inherited, notwithstanding certain patent but minor and quite remediable defects, is, on the whole, the most perfect piece of representative machinery which has yet been created anywhere in the world. The reader may not agree with that opinion, but at least he may be asked to hesitate before he lightly commits himself to support a change which must modify profoundly, if not disastrously, the whole character of our Parliamentary institutions.

### THE RESULTS IN ASHTABULA <sup>1</sup>

In answer to your recent inquiry on proportional representation, so-called, I herewith submit this article on the operation of this plan in the city of Ashtabula.

<sup>1</sup> Written especially for this volume by Honorable Arthur Rinto, attorney at law and president of the City Council, Ashtabula, Ohio.

Proportional representation was adopted as an amendment to the city charter at a special election held on the 10th day of August, 1915, at which time the vote was five hundred and eight-eight for and four hundred against the amendment, out of a total registered electorate of five thousand, and this gave our city the unique, but not altogether unenviable, distinction, of being the first city in the United States to adopt this plan, which had been brought here from Tasmania, South Africa. The first council was elected in the fall of 1915, and took office on the 1st day of January, 1916, and at the first meeting, one hundred ballots were taken before the non-political (?) council elected under this plan, could agree on a man for city manager and the whole procedure had the well advertised political conventions "backed off the boards" when it came to "juggling" and "swapping" of votes. The successful candidate was a former Republican postmaster who had been deposed by a Democratic appointee. He in turn was ousted by a political "Cabal" in January, 1918, and a former service director appointed in his place, our city charter providing that the city manager is to be appointed by, and serve at the pleasure of, the city council.

On the 5th day of November, 1920, amendments were submitted for changing the plan to the Federal and ward plan and at that time the vote was 2327 for the Amendments and 2764 against them, and this was remarkable in view of the fact that the amendments were loosely drawn, and were not backed by any organized effort, were opposed by the Chamber of Commerce and the only newspaper in the city and would have practically knocked out the entire charter, including proportional representation, which is a pretty good indication that the plan is not giving satisfaction in this city, and please bear in mind that many, like myself, who are opposed to the manager plan and proportional representation are supporters of the charter as a whole, with its home rule provisions.

Some time ago, our present manager, who hails from Dayton, Ohio, and who was brought here through another political maneuver in the summer of 1922, obtained a salary increase from \$4000 to \$5000, by the subterfuge of an offer in another town, and after the passage of the ordinance, referendum petitions, asking for the repeal of same, or the submission to a vote of the people, and containing nine hundred and seventy-seven signatures, many more than required by the charter, were filed with council, which were ignored by the council, and I quote from the *Star Beacon*, our daily paper, January 29, 1924, as follows:

Through all the words of discussion, however, one definite fact stands forth—City Council, through a seldom-invoked ruse, balked the attempt to force a Referendum on its act in granting a \$1000.00 increase in City Manager's salary.

From my experiences as a member of the City Council, now serving my third term under this plan, I must say that the claim of the proponents of this plan, that it takes politics out of municipalities is only true to the extent that it dis-franchises the voter and delegates the playing of politics to minority group representatives in Council, which is un-American. It takes away from the citizens the right of direct participation in electing municipal officers and makes possible the trading of votes in putting favorite sons into office irrespective of merit or fitness, and presents the sorry spectacle, now existent in this city, of councilmen's children holding city jobs by appointment from the city manager.

To corroborate my statements above made and also my criticism of same, I quote from a letter received from the secretary of The Proportional Representation League:

Of course, proportional representation cannot make over a town in every way, and doubtless it has not made over Ash-tabula.

How different this expression is from the promises made by the proponents of the plan when they first suggest it to the unsuspecting public!

In conclusion, let me suggest that Barnum's "White Elephant" had nothing on "proportional representation," and it does not take the people very long to find out that they have a "white elephant" on their hands, as has been your experience in the city of Cleveland.

### THE RESULTS IN CLEVELAND

Proportional representation was adopted by the voters of the city of Cleveland in November, 1921 by a vote of 77,888 to 58,204, or a majority of almost twenty thousand. It is one of the features of the city manager charter which went into effect January 1, 1924. Only one election has been held under this system, that in November, 1923, and the City Council so elected has now been in office for about a year and a half. An amendment to the charter, by which proportional representation would be abolished and the council increased from twenty-five members to thirty-three members, one to be elected from each ward by plurality vote, was proposed by an initiated petition, said to be signed by over thirty-five thousand voters, and was voted on at a special election on August 11, 1925, but was defeated by a majority of 565 in a total vote of 41,271 which is about 15 per cent of the total number of qualified voters in Cleveland.

Cleveland is the only large city in America that has ever experimented with proportional representation. Here the Hare system has had its first real test. In order to give outsiders some idea as to how it has worked, so far as may be judged by this one election, the statements of several of the citizens of Cleveland best qualified to discuss the subject are here given, several of them having been written especially for this occasion.

First, however, the claims for proportional representation, as made by its supporters in the campaign pamphlet circulated in 1921, are reproduced. These claims were published in a pamphlet entitled *The Meaning of the City Manager Plan* which was said to have been written by Professor A. R. Hatton and was issued by the Committee of One Hundred that was organized to secure the adoption of the city manager plan and proportional representation.

#### THE PROMISES<sup>1</sup>

It is the only system of voting which assures a majority of the voters electing a majority of the council. It removes the possibility of rule by a minority, but insures representation to the minority in proportion to voting strength. It, therefore, provides a council so representative that decisions are only reached after every important point of view has been stated. This means more carefully considered action by the council and greater confidence in the government.

Proportional representation cannot be controlled by political bosses. In Cleveland today our elections are controlled by not over five thousand votes manipulated by a boss. Although there are over two hundred thousand voters, yet five thousand votes in the hands of a party boss is usually sufficient to elect a mayor and a majority of the council. Under proportional representation those five thousand votes would just about elect one of the twenty-five members of the council, and they would all have to be cast in one of the four districts to do even that. At present a very large part of the voters, sometimes even a majority have no representative in the council. Under proportional representation at least 85 per cent of the voters will find that they have helped elect a member of the council.

<sup>1</sup> From a pamphlet entitled *Meaning of the City Manager Plan* said to have been written by Professor A. R. Hatton and issued in 1921 by the Committee of One Hundred.



Proportional representation brings out stronger candidates and makes a stronger council. It also tends to bring out the real leaders of public opinion among the various natural sections, groups, and interests of the city.

Proportional representation is the best safeguard against racial and religious prejudices in our city government. . . . A relatively small block of voters bound together by such prejudice may control an entire city election and practically exclude citizens of certain races and religions from office. With proportional representation this is impossible. Fair representation is assured to all. No group or movement can secure representation beyond its actual voting strength and no body of citizens can deprive any other of representation to which they are entitled.

Under both proportional representation and the system now used each voter can help elect only one candidate. At present those who are so unlucky as not to vote for the winning candidate are without representation. But under proportional representation the voter is practically sure of helping elect some one in sympathy with his views.

Proportional representation will insure women fair representation without having to dicker for the support of the boss or "the reorganization," which is now practically necessary for success. Women of the finer type will not subject themselves to this humiliation and we thus are deprived of the type of woman representative most needed.

Proportional representation puts a premium on political independence on the part of members of the council. The present system puts a premium on subserviency to "the organization" and the political boss.

Finally, proportional representation is simple for the voter to operate. The ballot is even easier to mark than the one now used in city elections, and far easier than the ballot used in state and county elections.

BY NEWTON D. BAKER<sup>1</sup>

My occupations for the last nine years have been such that municipal matters have not had much of my close attention and I do not feel qualified to state the case against proportional representation. My objections to it are:

1. It is so complicated as to be unintelligible to the ordinary voter. That is to say, the ordinary voter has no sense of direct consequence from his act in the result, and it adds, therefore, an additional discouragement to voting.

2. It is undemocratic in that it buries the responsibility of the councilman to his constituents and so subdivides that responsibility that the citizen who wants to change any policy or express his disapproval of legislative acts is quite unable, in any direct and active way, to do it.

3. There are no constant issues in municipal affairs about which municipal parties are built. There are, therefore, no parties entitled to be represented according to their proportion of the electorate. I defy any analyst to say of any member of the present Council of Cleveland what proportion he represents or what he represents a proportion of.

4. The absence of stable municipal issues tends to the choice of representatives of groups formed on other issues. Religious and racial questions are likely, therefore, to be at the basis of sub-divisions, and thus to introduce an unwholesome and false issue.

I write these observations to show you the state of my mind, but again disclaim any competence, as the

<sup>1</sup> Honorable Newton D. Baker was the City Solicitor of Cleveland for several terms and served two terms as Mayor of Cleveland before he entered President Wilson's cabinet as Secretary of War. Since the end of President Wilson's term he has practiced law in Cleveland, serving one year as the President of the Cleveland Chamber of Commerce and is now President of the Cleveland Bar Association. Perhaps no man in Cleveland is better qualified to discuss any municipal problem than Mr. Baker.

result of serious study, to pass judgment upon the question.

BY RABBI ABBA HILLEL SILVER<sup>1</sup>

I believe the proportional representation has so far been successful in Cleveland. Originally I was opposed to it, thinking that this arrangement would make possible an even greater definition of the racial and religious groups in our community. Nothing of this character has as yet developed. While the proportional representation process is a bit more cumbersome, it has the greater advantage of more adequately representing the whole electorate of the community, the majority as well as the minority. No democratic government can well afford to disregard the political thought of the minority.

BY JOHN T. BOURKE<sup>2</sup>

With the municipal election in Cleveland seven months away, strong opposition to the continuance of the proportional representation method of voting for councilmen is being voiced in all parts of the city.

Dissatisfaction is expressed in the fact that in the present council fourteen wards have no resident representatives while each of four wards has two resident members of the municipal law making body.

Another complaint against the proportional representation voting system is increased cost of elections.

Growing out of this dissatisfaction, especially in the outlying wards, where public improvements are being demanded, the indications are that the record of entries for the council will exceed that of two years ago when one hundred and nineteen men and women sought council seats.

<sup>1</sup> Rabbi Silver is one of the most brilliant and scholarly men in Cleveland.

<sup>2</sup> Mr. Bourke is the political editor of the *Cleveland News*, a position he has held for many years. This article appeared in the *Cleveland News* on April 6, 1925.

## SUMMARY OF SURVEY

A survey made by Deputy Clerk McNeil of the board of elections of the result of the 1923 councilmanic election held in Cleveland under proportional representation discloses the following:

That only 114,613 votes were cast, as compared to 154,123 in the municipal election of 1921.

That 7.6 per cent of the ballots were blank or invalid while in the 1921 election for mayor under the Mary Ann system only 2.4 per cent ballots were blank and none invalid.

That the cost of the election was \$155,147, an average cost of \$1.35 for every elector voting. The cost of the 1921 election was \$110,130, or 71 cents a vote.

That twenty-five councilmen were elected from the thirty-three wards.

That fourteen wards, or 43 per cent of the total, have no resident councilman. Over 81,000 votes were cast in these wards at the 1924 election.

That wards, 1, 19, 20 and 28 have two resident councilmen each.

That two women were elected and both reside in ward 20.

That wards 9, 15, 27, 30, 32 and 33, all bordering on the city limits' line, have no resident councilman.

"This is growing territory," McNeil says. "New allotments are being laid out and naturally improvements such as crosswalks, grading, paving, street lights, etc., follow. All these improvements require council legislation. I am of the opinion that if the electors in each of these wards elected their own councilman it would have a tendency to speed up legislation that would materially help the growth and development of this territory, which is now sadly neglected under the proportional representation district arrangement."

## NINE CITIES DROP PROPORTIONAL REPRESENTATION SYSTEM

In nine cities of the United States and Canada which tried out proportional representation voting, the system was abolished in from two years to four years, according to data taken by McNeil from the *Proportional Representation Review* of April, 1924, the official organ of

the Proportional Representation League. These cities, their population, the dates of adoption and abolition of the proportional representation plan follow :

	Population	Adopted	Abolished
Sacramento, Cal. ....	65,098	1920	1922
Abolished by supreme court.			
Kalamazoo, Mich. ....	48,858	1918	1920
Abolished by supreme court.			
W. Hartford, Conn. ....	8,854	1920	1923
Abolished by legislature.			
Vancouver, B. C. ....	117,217	1920	1923
Abolished by the people.			
Victoria, B. C. ....	38,727	1920	1921
Abolished by the people.			
New Westminster, B. C. ....	14,495	1917	1919
Abolished by the council.			
Nelson, B. C. ....	5,230	1917	1919
Abolished by the council.			
Mission, B. C. ....	3,500	1917	1920
Abolished by the council.			
Pt. Coquitlam, B. C. ....	2,148	1917	1921
Abolished by the council.			

In the United States, Cleveland, Ashtabula (with a population of 22,000), and Boulder, Col., (population 11,000); and in British Columbia, South Vancouver (population 36,000), and West Vancouver (population 4500), still operate under the proportional representation system.

BY ERIE C. HOPWOOD<sup>1</sup>

Now, I am not sure whether I am for proportional representation or against it. I think maybe I shall have to get over a little bit on Hatton's side of the fence before I am done here; but the thing is utterly unanswerable as far as the professional advocate of proportional representation is concerned. He has an answer for everything. I rather lost patience, in discussing the

<sup>1</sup> Mr. Hopwood is the managing editor of the *Cleveland Plain Dealer*. These remarks were made in a debate with Professor Augustus R. Hatton before the tenth annual convention of the City Managers' Association at Washington, D.C., on November 15, 1923. This address may be found in the *Tenth Yearbook of the City Managers' Association*, p. 172-80.

matter with one of the men who had been writing some articles explaining this system for us during this campaign, and I said: "My friend, if Jesse James and Captain Kidd would stand for election to the Cleveland City Council, and should be elected, you would say that is quite all right. There is a like-minded group in this community which demands Captain Kidd and Jesse James, and, therefore, it should have them!" Well, now, what can you say to that? These gentlemen remind me of the Gileadites who went down and took the passages of the river Jordan, and when the men of Ephraim came down, the Gileadites said, "Say 'Shibboleth,' and if you cannot say 'Shibboleth' off goes your head!" And not enough people could say "Shibboleth" in Cleveland, so that something like one hundred thousand voters were practically disfranchised this year!

It seems to me that when you discuss proportional representation you have to start with one or two very fundamental ideas. Do you believe the old theory of representative government as established by the Constitution, and as practiced in practically every state, and to a great extent until recent years, until Mr. Hatton's activities, we will say, in municipal government, is sound practice? Or do you believe that every group should have, in the legislative body, its representation according to its voting strength? Because I think if you grant that latter premise, there is not any argument that you can put up against proportional representation. It does do the trick mathematically and correctly.

Now, with customary caution, I am not quite ready to concede that in a city or in a state or in a nation it is sound practice to divide up your legislative body so extensively into groups, as this system tends to do. I do not think it's particularly worth-while to dwell on the theories of the thing. I imagine that almost everybody here knows a great deal more about proportional representation than I shall ever know. You know it

was said that there were only twelve people in the world who could understand Einstein's theory of relativity. I doubt whether there are any more than that, except the paid workers in the Cleveland Board of Elections, that understand proportional representation in this last Cleveland election.

I hope I may trespass on your time long enough to read you an extract or two from Mr. Hatton's charter so you can see how simple proportional representation is. I shall read it very rapidly, because you will, of course, get it as I go on. This is Section D of the charter. The preliminary sections have to do with wrapping the votes up in bundles and transporting them to the Board of Elections.

The whole number of valid ballots cast in the district shall then be divided by a number greater by one than the number of seats to be filled in the district. The next whole number larger than the resulting quotient is the quota of constituency that suffices to elect a member.

All candidates the number of whose votes on the first count equals or exceeds the quota shall then be declared elected.

All votes obtained by any candidates in excess of the quota shall be termed his surplus.

Any surpluses there may be shall next be transferred, the largest surplus first, then the next largest, and so on, according to the following rules:

In the transfer of a surplus, transferable ballots up to the number of votes in the surplus shall be transferred to the continuing candidates marked on them as next choices, in accordance with rule (m). The particular ballots to be taken for transfer as the surplus of a candidate shall be obtained by taking as nearly an equal number of ballots as possible from the transferable ballots that have been cast for him in each of the voting precincts. All such surplus ballots shall be taken as they happen to come without selection.

Now I do not want to be unfair in this matter. As more of this, but that will show you how perfectly simple the process of transferring votes is.

Now I do not want to be unfair in this matter. As a matter of fact, I do not think any of the voters who voted in this election knew particularly where their

votes went, or what became of them after they went somewhere! I saw the equipment of the Board of Elections. There were one hundred and eighteen candidates in the field. There were one hundred and eighteen wooden boxes about this high, this wide, and so deep. And then there were one hundred and eighteen wooden boxes, as tall as this, and that wide, and so deep. And there were one hundred and eighteen pigeon holes that did not have any ends in them so that you could see right through. And there were rubber stamps, blackboards, and step-ladders!—and other impediments that practically filled the basement of the Public Auditorium where we hope to hold the next Republican Convention!

When we came to transfer the votes, the clerk took a bundle of votes. He walked to one of the pigeon holes, put in a ballot and another clerk got it out of the other end and threw it to a man with a rubber stamp, who entered it on a tally sheet; and then somebody went up a step ladder with a piece of chalk and made an entry on a blackboard; and a week after this had continued we knew who was elected to the City Council!

Now, to be serious about this proposition, Mr. Hatton covered this ground very exactly and very thoroughly, it seems to me, from the point of view of a man who wrote the things that he did in this city charter. He was in error, however, on some of his figures, and I think he will thank me for correcting those. As a matter of fact, there was a registration in this election, in round numbers, of one hundred and thirty-one thousand. Now, I think that's a rather significant thing—that vote of one hundred and thirty-one thousand; and you must observe that there were five thousand less registered in this election than voted on the charter issue when it was adopted. But I think it's rather a significant thing also that out of one hundred and thirty-one thousand people who were registered, only one hundred and fourteen thousand went to the



polls and voted, or a shrinkage of 13 per cent. Now there was wastage, too, Mr. Hatton. The total wastage of ballots through improper marking, was 9.4 per cent. I hope the ladies will pardon me if I tell a story in the exact language of a single voter, whose ballot was cast on the west side. The voter marked his first choice for Peter Witt. He wrote across the face of his ballot, "desire to cast all my other choices for the damn fool who invented this system!"

Now the total percentage of wastage was, as I say, 9.4 per cent. In the first district, the west side, it was 7.5 per cent. In the second district, it was 7.5 per cent. In the third district, and I want you to notice this figure particularly—it was only 6.1 per cent, or the lowest wastage of any district in the city, and in the district of the *intelligentia*, where Mr. Hatton lives, the wastage was 14.6 per cent! You see that's what our institutions of higher learning do!

Now, I call your attention to the third district particularly, for this reason: the third district is the district in which Mr. Herman Finkle polled a very large vote. The second candidate in that district was Mr. Fleming. That particular neighborhood is the stronghold of the Republican political organization in Cleveland, and Mr. Hatton was perfectly right, I think, when he said that the people in that district took the trouble to find out how to mark their ballots, but he did not tell you who told them how to mark their ballots. The person who told them how was Mr. Maschke, the political leader of Republican Cleveland. They have a first choice for Finkle, and a second for Fleming. Fleming got a heavy first choice vote too, because they alternated. In some precincts the first choices were for Fleming, and in others for Finkle, and then voters were told to "do what you can for Broustrup." In the early count of the vote in this district, Broustrup was low down in the list, but as soon as he began to get the

distribution from second and third choices after Finkle and Fleming, he began to gain, and was one of the candidates chosen in that district. I just wanted to explain that so Mr. Hatton will know how it happened!

We come back then to the results of this election which Mr. Hatton has told you were fourteen Republicans, six Democrats, and either four or five Independents, because Mr. Hatton thinks Mrs. Green is an Independent, and again to be cautious I am not so sure of it. We consider Dr. Hatton and I do not know just what "histed" Dr. Hatton into the council. I am not so sure that there was not a general feeling that the punishment ought to fit the crime. I will not say that this was the reason but the *Plain Dealer* supported Dr. Hatton, and singled him out among all the candidates as particularly meriting our support. I will say, frankly and honestly, that there is not a man in Cleveland who belonged in that City Council any more than Mr. A. R. Hatton.

Now, I am not certain—and I think it's rather an important point—whether Hatton and Witt and Wing and Kennedy, could have been elected without proportional representation or whether they could not. I am not at all sure that Hatton could not have been elected under the old ward system if he had really made an active campaign. I suppose Peter Witt could have been elected from any ward in his district. Miss Wing and Mrs. Green probably could not have been elected under the old system. I am not so sure about Kennedy. But you see what happened. Here there are fourteen Republicans in the Council and six Democrats, plus the Independents. Under the old council of thirty-three members there were twenty-four Republicans and nine Democrats. You may say that one or two of those people were independent, but they went through on party tickets. Now I think the best demonstration of what proportional representation did was that it opened

the doors of the City Council of Cleveland to the type of independent council members that were elected in this election. I think it has accomplished that. And I think that all you members of the council are going to keep your eyes very carefully on what took place in this proportional representation election. I think you are going to see, as a result of this, a much more independent attitude on the part of council members generally, and less tendency to be dictated to by a party leadership, because it has demonstrated that they do not have to have the support of the party organizations to go over, if they have the right kind of records, and are the right kind of folks.

There's one thing that I am a little bit afraid of, and that is the lack of interest under the proportional representation system. I have been going through elections in Cleveland for the last twenty years, and I have never seen an election at any time in which it seemed to me that there was as little interest as there was in this election. Out of the total potential voting population of between two hundred and fifty thousand and two hundred and seventy-five thousand people, there were only one hundred and three thousand who cast valid ballots in this election. There were no posters. There was no attendance at the meetings. The Citizens' League went out and conducted twenty meetings in school houses and other places, and held an average attendance of one hundred to one hundred and fifty most of whom were candidates. There was one candidate—Kennedy of the second district—who chartered school houses for twelve meetings, held four, and cancelled the other eight, because nobody came but the candidates, and he was paying for the school-houses. There were no horns blown on the streets of Cleveland election night. There were more policemen out to patrol the streets than there were pedestrians on the streets, two to one. I can picture one meeting in particular in a lunch room where

there were four policemen and three newspaper men present! I did not know it was wrong to blow a horn or to yell when you see a candidates picture on the screen, but I know now that when we do that we vote emotionally and not rationally, and, therefore, it must be wrong! I am just a little bit afraid that Mr. Hatton, and perhaps some of these other people, have conceived a civic citizen who does not exist. I remember being very greatly impressed with Spargo's books on *The Socialist State* at one time, and I thought the plan would be fine if people were that way, but unfortunately they are not; and we would have to have a complete regeneration of human nature before the socialistic state would be possible at all. Now I conceive it just possible that we shall have a regeneration of human nature before this civic man which the advocates of this theory have set up will be an actuality.

We have on paper, what I believe, to be a better council than usual in Cleveland, but that council is not yet in operation. Now how Peter Witt and A. R. Hatton are going to behave in that council nobody knows—not even Witt and Hatton themselves. It is conceivable, you know, that even the very independence of independents may militate against their usefulness. Mr. Hatton is a very diplomatic man. He holds a union card in the Assistant Tile Setters Union! An "assistant tile setter" is one who hands the tile to the one who is about to set it? Mr. Hatton is a diplomat. But I am serious when I say that we cannot tell how this perfectly good looking council on paper is going to work in practice, and until we do—until we have had some other demonstrations of the results of proportional representation—I think we ought to keep an open mind about it. But let me say this, however, that as editor of a certain newspaper, no one in the city of Cleveland can be more interested in the things that are good for the city of Cleveland than I am. We have the city

manager system with us, and we have proportional representation with us, and I can assure you, that as far as I am concerned, and as far as my newspaper is concerned, those two systems are going to have a fair trial. We will fight for them until they do have a fair trial; and then if they do not prove out we will say, "Let's try something else." In the meantime let's try the present plan until we are certain we cannot create public interest with it, or that it will bring into the city council the kind of men we have to have there, or until we are certain that its complexity is too much for the average voter. But let us not throw it out because it does not happen to suit the leaders of some political parties."

#### THE HATTON-BERNON DEBATE <sup>1</sup>

##### AFFIRMATIVE

In the eighteen years that I have lived in Cleveland I have spoken on public questions on many occasions.

I want to say to you today that I never rose to speak on a question of public importance with the feeling that the issue itself was of such moment or meant so much to this community as the issue which Judge Bernon and I are to discuss before you today.

There is much to be said. And because I must be brief, if I seem very plain and very short I hope that you will give to me at least the belief in my sincerity; and remember this further fact that I am speaking not only from eighteen years' observation of the public life in Cleveland but of eighteen months of actual service inside the city government.

In 1921 the people of Cleveland, by a majority of [almost] twenty thousand, adopted a new charter providing as its essential feature the system of election known

<sup>1</sup>A debate between Professor Augustus R. Hatton, Affirmative, and ex-Judge Maurice Bernon, Negative, before the annual meeting of the Citizens' League of Cleveland, June 1, 1925, as published in the *Cleveland Times*, June 2, 1925.

as Proportional Representation. Owing to the provisions of this state no election could be held under that charter until 1923. The council so elected in 1923 took office in 1924 and therefore we have lived under a council elected under this system now about seventeen months.

At the time of the election of that council, it was the general comment throughout the city that it was the best council elected in many years. It is generally agreed that the council of Cleveland has paid more attention to business, that its discussions have been more thorough, that no essential part of the city's business has been neglected.

*More Accomplished*

More has been accomplished by this council under proportional representation than by any council in the last quarter of a century, and yet in spite of that record and apparently with every reason why the system which had produced such a council should be continued, there has been initiated and we shall be compelled to vote on an amendment to the charter which will eliminate that system of voting and substitute in its place a system as nearly indefensible as can be drawn.

I want today not merely to defend proportional representation. It is a part of my duty to point out to you the dangers in the change proposed to take its place. I ask Judge Bernon to point out one single instance of any municipality which elects its council under the system of election he is attempting to force on the electorate of Cleveland. Now what is that system? It is the system by which we shall return in the first place to the thirty-three wards marked out in 1921—wards which were at that time unequal in the number of voters in each ward, and which were varying constantly in number.

Less than half the voters in a ward elected a councilman in some instances, in others less than one-third, meaning that the council is elected not by a majority but a minority. In addition to that inequality, it means a return to the old system with its ward politics, with its

appeal to the small type of man, a return to the log-rolling and partisan politics of the past. Two hundred voters may put the names on the ballot in the ward under that system—not a majority but a plurality elects the council so that it will give us year by year a city council the whole of which is elected by less than one-half of the voters in Cleveland.

*Townes Received Majority*

In 1921 46 per cent of the voters of this city elected the city council and on the west side, from which Mayor Townes comes, he was the only councilman to receive a majority of the votes in his ward.

I say to you, therefore, that if everything Judge Bernon could say about proportional representation were admitted to be true he is asking you to vote into the charter of Cleveland a system of government that in all my experience I do not recall a single instance of its ever being adopted for a city such as Cleveland.

Now what can be said on the other side? The system of proportional representation is admitted by every person who ever took the trouble to give it any attention to be absolutely fair. I am making no attack on the political parties. I believe that the majority of the voters of Cleveland want to be represented in the council and they have a right to be so represented through parties or otherwise.

Proportional representation will give to any party in Cleveland organized on the principles which President Flory of the Citizens League stated the number of votes that they are entitled to and it will give to their opponents as many representatives as they deserve and they can't be stepped out of it. You can't gerrymander against proportional representation—you can't trick it. Proportional representation is a majority system.

It is claimed that the low state into which the Democratic Party has fallen is due to the system of election. There were practically the same proportion of Democrats

in the old council as under proportional representation. In Cincinnati with elections by wards there is only one Democratic city councilman.

*Tricky System*

I say to you that the rise or decline of a party has nothing to do with the system of election. Republicans or Democrats in Cleveland, if either of those parties will frame a sufficiently attractive platform and agree to perform it, can elect the council and they cannot be beaten.

Under the system in New York city, similar to the one Judge Bernon defends, for instance, a considerable number of Democrats and in some instances larger numbers of Republicans are unrepresented. It is a tricky system which by gerrymandering or thimble rigging can be manipulated contrary to the actual desires of the voters of the state.

Both Senator Pepper and Charles Elihu Root have expressed their belief in proportional representation. This cannot be said of the system Judge Bernon proposed.

Now what are the real reasons back of this proposal? I have served seventeen months inside. I want to tell you what the real reasons are. It is not to preserve political parties in any sense, not because the proportional representation system is complicated and not because the old form is an easier ballot to mark, because the proportional representation ballot was used in the last election with very great success.

*Halts Bosses*

The real reason is that it is beginning to make it impossible for these interests and men who formerly controlled through their political organizations to have their way. They will have to put up stronger candidates.

Mr. Maschke [the Republican leader in Cleveland] and Mr. Gongwer [the leader of the Democratic organization] don't want stronger candidates, they want sub-



servient men who will do what they tell them. That is one reason and more, they see that the light of day will be persistently turned on what goes on. Under the guise of practicing law Mr. Maschke has really sold political influence, entirely within the law, but that is what it means. I know what it means when one of his representatives appears before the city council. It is a signal to the members of the council that it is Mr. Maschke's will. (It means a fat fee for his law firm). Just as soon as under a system of election it is understood that the council answers to no authority outside of what the voters of Cleveland want, the boss' practical power will drop away.

#### NEGATIVE

It is rather difficult to follow the professor. He starts out by saying that we have the ablest council in many years and the hardest working body in many years. In the first place, modesty forbids because I was at one time a member of the council. Neither do I want to get into a discussion of personalities. I don't know by what schemes he reckons the ability of this council, but I couldn't help but remember that a bulletin of the Citizens League which was issued recently, for which I assume no responsibility, severely criticized it for its woeful lack of leadership and the constant absence of some members from committee meetings.

Dr. Hatton says he has been on the outside for eighteen years and on the inside for eighteen months. That's the trouble with him. He's been theorizing for eighteen years, studying it out of textbooks and going all over the country always trying to make some change in the system of government—always forgetting that men make government, and not systems. I have been on the inside of government, and I have had a slight experience in city government. Dr. Hatton, you subscribe to a theory that by scheming around, by changing the ballot, by changing the form, you change the type

of officials. I subscribe to the theory that you get good government by electing good men regardless of the system, and I would rather have a good man at the head than a bad one.

*Lauds Johnson*

Tom L. Johnson was the greatest municipal executive this country has ever seen. He was elected under one form of government. They changed the form of government and Tom just turned around and elected the council under the new system. He is the only man in history who was enjoined from thinking. They changed the system again, but again Tom Johnson went to the people of Cleveland and elected his men. I don't care what kind of a system you have—it is the people you elect to office that count after all. Dr. Hutton asked me what other cities in America use such a system. Ashtabula, Cincinnati, and two or three other small cities use proportional representation. I haven't made an extensive study of those using the plurality system, but I know that a very hopeless minority use proportional representation.

He criticizes the old system which prevailed in 1921 because a lot of councilmen didn't have a majority. More had a majority in 1921 than had a majority or even a quota under proportional representation in 1923. In 1923 four were elected on first choices, six on second, and fifteen of your councilmen couldn't reach the quota even by switching and transferring time and time again. So in the election of 1923 you had four on first choices, six obtained quotas by transfer, and fifteen never got the quota at all. In 1921 65 per cent of the people who were entitled to vote voted at the election. It was claimed that under proportional representation you would get more active interest in city government. Forty thousand less [sic] people voted in 1923 than in 1921 or 42 per cent of those entitled to vote. Under the old system there were some invalid ballots 2.4 per cent less than 2.5 per

cent. Under this very fair, simple system of government, with more people qualified to vote, 7.6 per cent of the ballots, or three times as many were invalid.

*Ballots Ruined*

You have had an election under proportional representation. Every newspaper in Cleveland had articles about it and let me see—you wrote a lot of articles. They gave you the front page, and you explained carefully how everyone was to vote and you urged every voter of Cleveland to get out and vote. They didn't seem to follow you, and of those who did three times as many people spoiled their ballots. I just can't follow the professor at the outset. Political parties don't want to abolish proportional representation. He isn't against political parties. I think he is guilty of some inverse reasoning. If political parties do want proportional representation why in the name of God are they trying to get rid of it? And while you say you believe in political parties really about all you have said since coming to Cleveland has been against political parties. I don't know just how your mind functions.

It reminds me of the preacher at the funeral of the man guilty of many offenses who didn't want to lie and so he said. "Now brethren this brother has been guilty of misconduct, he stole and he lied and beat his wife, but he never forgot his religion." You don't believe that political parties have a right to any place in municipal affairs. I prefer party responsibility to irresponsibility. Who do you represent in the council, Mr. Hatton? What proportion do you represent in this community, and what proportion of that proportion? We have no municipal parties in the city divided on such questions as the filtration plant or the union station. We have Republicans, Democrats, Socialists, Progressives, single-taxers. If we don't have such divisions then we must be divided along other lines or parties, and they go along racial lines and

religious lines, the curse of the proportional representation system.

*Hits Racial Lines*

Dr. Hatton said he was never more earnest in defending proportional representation and I was never more earnest in denouncing a system of blocs and cliques that now have the old world on its ear and threaten to destroy it. Before the war, Europe was divided along economic lines, now it is divided along racial lines. The finest means in the world of injecting racial differences into this country is proportional representation. I say that races and religions haven't any right to control legislation. We want Americans to represent us in the council. Government by racial or religious groups sounds the downfall of American institutions. In cities you divide either according to national parties or according to religions and races. You would have another group known as the secret society group if every group is entitled to representation. Would there be one or three K.K.K.? Do you want to add to the accident of location, racial and religious differences? You give an open invitation to race or creed to elect one of their own nationality or religion to represent all of the people of Cleveland.

I hold no brief for Mr. Maschke or Mr. Gongwer. Either of those gentlemen would, if they stood on the same platform with you be able to reply for themselves. I haven't sat in this wonderful council—the best council—but isn't it a trifle inconsistent that this best council that the city of Cleveland ever had should kow-tow when a representative of Mr. Maschke or Mr. Gongwer comes down. Is it quite fair to leave that sort of impression.

Now the real reason I am against proportional representation is that I want a community in Cleveland that is American and not un-American, that elects people to serve them because they are the best obtainable, and not because they are members of one race or creed.

## AFFIRMATIVE REBUTTAL

The chief argument which Judge Bernon makes is that proportional representation will divide the city along racial and religious lines as in Europe. The chaos in Europe has come from the very system which you propose for Cleveland. Austria-Hungary is one of the few that has not adopted proportional representation. Czecho-Slovakia has proportional representation. In Switzerland, where they have succeeded in keeping four nationalities peaceful under proportional representation, I did not find a single case of dissatisfaction.

In my opinion, under the old system the K.K.K. would have controlled the vote in the fourth district, and under proportional representation they had just about enough votes to elect one. Personally, I think that until the other races and nationalities thoroughly understand us, they have a right to a spokesman of their own race. The only difference that proportional representation makes is that they do not have to fight for that representation. Judge Bernon claims that I lay more stress on the system than the men. Why propose an amendment, if the system is so unimportant? The fact is that I want good men, too.

Tom L. Johnson, whom Judge Bernon mentions, was the vice-president of the first Proportional Representation League.<sup>1</sup>

Although the people of Sacramento were satisfied with proportional representation, the supreme court declared it unconstitutional. It has been adopted in several other cities and similarly thrown out. It is now in use in Winnipeg, Canada. Also in Ireland.

In reply to Judge Bernon I want to say that I represent over four thousand voters who believe in my platform, because I told them before I was elected exactly what I would do after I got into the council. The one

<sup>1</sup> Tom L. Johnson introduced a bill in Congress to provide for the election of Representatives in Congress by proportional representation. See *Congressional Record*. 23: 5314, June 15, 1892, Fifty-second Congress, First Session, and John R. Commons's *Proportional Representation*, p. 114-15.

great question that has come up in the eighteen months that I have been in the council is that of the bridge across the Cuyahoga river. If the council had been left alone, the decision would have been more to the advantage of Cleveland.

We have made great progress in Cleveland and are the model for other cities and other countries. Only last summer they sent a man from Sydney, Australia, to this country to study various forms of local government. On his return he recommended the adoption of the form in use in Cleveland, O.

I want to urge the citizens of Cleveland to vote down this amendment when it comes up on August 11.

#### NEGATIVE REBUTTAL

I disagree with the professor. The biggest thing the city council ever did was to elect W. R. Hopkins city manager. If systems mean nothing, I want the simple system.

Tom Johnson may have been vice-president of the Proportional Representation League seventeen or eighteen years ago. I don't know. But he worked for the representation of people by wards and eliminated the six members of the council chosen at large.

I want a system which the number of invalid ballots won't be multiplied by 300 per cent, in which the voter knows who he is voting for when he goes to the polls, which every ward will be represented, and we won't have outlying wards, needs and improvements unrepresented. Fourteen wards now have no representation, and four east ends, or so-called "highbrow" wards, have two councilmen each. I was elected by four thousand voters in my ward, and they knew where I lived and where they could instruct me on public questions, and all but three ballots were valid. You represent four thousand people. Do you know which four thousand? You don't know who you represent. You don't know by

what chance game you were elected. Any system which leaves the vote to chance is un-American.

*No Trained Men*

Professor Hatton spoke of Theodore Roosevelt. You quoted him as saying that national politics have no place in local government. Some of the ablest Presidents we have had—Washington, Jefferson and Hamilton, [sic] and none surpassed Lincoln—meddled in local politics; and if my memory serves me, Theodore Roosevelt sent a message to Cleveland when he was president and said, "Theodore, make the run for mayor."

Our training school in politics is in municipalities. Here, through the experience obtained, you train men to represent you in the state legislature, and even to the higher departments of government. We will continue to have untrained men until we have a system of municipal government which will permit men to participate in politics. If you put proportional representation in effect all over the United States you will divide the whole country along labor lines, racial lines and religious lines. Any system which makes forty thousand more Cleveland voters stay at home on election day and causes three times as many voters to vote incorrectly, and which causes people to split along religious and racial lines, is un-American. I call upon the people of Cleveland to abolish this fancy nostrum.

BY A. J. HIRSTIUS<sup>1</sup>

Rather unexpectedly we are having a special election this summer on a question of very vital importance to the people of Cleveland. In accordance with Section 182 of the charter of the city of Cleveland a petition containing almost thirty-five thousand names was filed with the Board of Elections on May 21 setting forth a pro-

<sup>1</sup>Mr. Hirstius is the clerk of the Board of Deputy State Supervisors and Inspectors of Elections which had charge of the one election in Cleveland under the Hare system of proportional representation.

posed amendment to the charter providing for the election of a councilman from each of the thirty-three wards of the city as they existed in 1921. The board made a very careful check of the petition and found it to be signed by the required number of electors of the city and so certified to the council of the city.

Under the provisions of the charter the calling of a special election in this instance is mandatory because of the date of filing the petition. The charter provides that a special election must be held if no regular municipal election occurs less than sixty nor more than one hundred and twenty days after the passage of the ordinance by council fixing the date. All the amendment proposes is to substitute the election of councilmen from each of the thirty-three wards for the system now in effect of electing various numbers of councilmen from four districts by the so-called proportional representation plan. Practically no other change is contemplated by this amendment.

The issue is clearly defined. There is no opportunity for the discussion of extraneous matters in this coming special election. The people will decide between the ward plan of councilmanic representation elected by plurality-vote or the district plan which now prevails to which is attached the un-American proportional representation plan of voting. It was necessary to make the amendment quite voluminous because the boundaries of each ward must be clearly defined in the proposed amendment. Two hundred signatures will be required to nominate in a ward as against the requirement of five hundred in the district. The amendment substitutes the ballot which is marked by a cross for the ballot provided by the present charter which requires marking by numerals. The amendment will restore uniformity in the marking of your ballot which I regard as very important in this community. In the 1923 election 8.6 per cent of the votes cast in the fourth district were either blank or



invalid. Under the Mary Ann ballot which preceded the one we are now using only 2 per cent were blank and none invalid. Under the proportional representation plan electors are required to mark their city ballots with numerals and all other ballots including judicial, constitutional amendment, school board, etc. are marked with crosses. That partially explains why 8.6 per cent of the city ballots cast in the fourth district in 1923 were either blank or invalid. If the amendment is adopted all ballots voted in a municipal election will again be uniform.

The count of the votes cast for councilman will be made in the booth by the regularly constituted and duly appointed officers thus eliminating the expensive proportional representation count which necessitated the rental of the public hall for a period of several weeks, the purchase of much extra equipment and the employment of several hundred extra clerks all for the purpose of electing not to exceed two councilmen who probably count not have been elected by the ward plan. By adopting the amendment we will eliminate a biennial extra expense of at least \$25,000.

Proportional representation discourages participation in elections as is evidenced by the number of voters participating. In the 1921 municipal election one hundred and fifty-four thousand votes were cast as against one hundred and fourteen thousand in 1923, the first proportional representation experiment. Any system that has a tendency to keep voters away from the polls cannot be too severely condemned. If you would believe the statement of some of the newspapers and so-called reformers, the politicians would welcome that condition. But the contrary is true as everyone knows who is at all familiar with the workings of a political organization. Political organizations always strive to get out the largest possible vote and much money and effort is expended for that purpose.

Fourteen wards of the city having a population of ap-

proximately three hundred and fifty thousand are unrepresented in the present council. Included in the unrepresented territory are all of the outlying wards who need most the services of a direct representative in council. Under the proportional representation district plan all of the councilmen from a district can be elected from one precinct. A like condition is not possible under the ward plan. Under the proportional representation district plan from five to seven councilmen are elected from each of the four districts into which the city is divided and yet the elector can make his vote effective for but one and in many instances cannot make it effective at all. Twenty-two members of the general assembly are elected from this county and a voter if he votes with the prevailing sentiment can make his vote effective for each of the twenty-two. This is the American plan and is preferable to the proportional representation plan now provided by our city charter.

The proportional representation plan is un-American because it is contrary to the method of voting that has prevailed in this country for more than a hundred years and under which method we have experienced the greatest period of progress and development the world has ever known. The writer is for the American system which declares that candidate elected who receives the most votes and not for a system which depends for its execution on a so-called "quota" arrived at by mathematical processes which the average elector in the city of Cleveland cannot be expected to comprehend.

Supporters of the proportional representation plan will attempt to make it appear that the success of the city manager plan depends on continuation of proportional representation. This is not a fact for the reason that the term of the manager is, by provision of charter indeterminate and he can be removed only after charges have been filed and heard. About three hundred and fifty cities and villages in the United States have city

managers but only two have proportional representation councils. The city manager form of government is not dependent on the continuation of proportional representation.

Many years of service as an election official in a supervisory capacity have convinced the writer that:

No system of electing councilmen is easier to manipulate than the proportional representation method;

A smart manipulator would have no difficulty in taking advantage of the gaps that are prevalent in the system;

Proportional representation promotes party disintegration—destroys party responsibility.

Elihu Root and men of his caliber see in this tendency a grave menace to the republic. The wisdom of Elihu Root counsels a return to the simplicity of the old method of voting and the repeal of innovations that break down two-party government. His conclusions apply with great force to the Cleveland situation at this time. Under the system now in effect no party or group is responsible for the proper conduct of the city government of Cleveland.

The proportional representation plan was invented in 1856 by an Englishman named Hare and its proponents have never yet succeeded in getting the system firmly established anywhere in the world. It is partially applied in Tasmania, South Africa, Transvaal, New Zealand, Australia, Ireland, New South Wales, India and Saskatchewan, but nowhere in the United States have its proponents been able to apply it for any considerable time. Proportional representation is the worst system of election that can be devised in a city like Cleveland containing a large cosmopolitan population. It is the firm conviction of the writer that a continuation of this un-American proportional representation plan of electing our council will bring disaster to the community spirit which we have builded in the city of Cleveland. It is

designed to give minorities representation in our legislative bodies and will eventually divide the electorate of our city into racial and religious groups which will work to the detriment of our citizenship.

An opportunity is offered by the proposed amendment to the charter to return to sane principles of government.

BY CHESTER C. MAXEY<sup>1</sup>

If one's observations establish anything, it is that proportional representation is not a panacea, but a most valuable and promising experiment, which, though it has not measured up to all of the predictions made with regard to it, certainly has not failed. It has not miraculously emancipated the electorate; nor has it destroyed partizanship and boss-rule. It is not a guarantee of good government, and not necessarily of representative government. But it has given the voters a means of self-emancipation and an opportunity to strike down partizanship and boss-rule, if they care to do so. And it does make good government and representative government easier to attain, because it removes the most serious obstacles to independent political action and free expression of public opinion.

#### BRIEF EXCERPTS

The optional transferability of votes is not a salutary aid, but a ruinous innovation.—*Walter Bagehot*. "*The English Constitution*." p. 220.

The tendency of the movement for proportional representation is toward the destruction of the bi-partisan system of government.—*Delos F. Wilcox*. "*The Study of City Government*." p. 157.

<sup>1</sup> Dr. Maxey is a Professor of Political Science at Western Reserve University. This is a part of his article on the city manager plan and proportional representation that appeared in the *Western Reserve University Bulletin* for July, 1924.

Proportional representation is the only system that is in accord with our democratic institutions. Under our present plurality system we have in fact an oligarchy.—*Jeremiah W. Jenks*.—*Annals of the American Academy*. 6:396. November, 1895.

The election [in Kalamazoo on November 4, 1919] brought out a disappointingly light vote, only 5,997 ballots being cast. The total possible registration, including women, would probably reach 20,000.—*A. R. Hatton*. *National Municipal Review*. 9:87. February, 1920.

The most telling objection urged against minority or proportional representation is that it renders a party machine and party discipline still more necessary than they are at present, and so diminishes the power of the independent voter.—*Delos F. Wilcox*. "*The Study of City Government*." p. 156.

The American people are fairly content with their executive and judicial departments of government, but they feel that their law-making bodies have painfully failed. This conviction pertains to all grades of legislatures, municipal, State, and Federal.—*John R. Commons*. "*Proportional Representation*." p. 1.

Our best men are often deterred from entering politics now because they are unwilling to submit to the dictation of party leaders, or to put themselves under obligations to these leaders. Under the proportional system this would not be necessary. And better candidates could often be persuaded to run for office. The gerrymander would be abolished.—*Jeremiah W. Jenks*. *Annals of the American Academy*. 6:395. November, 1895.

The representation of minorities can certainly be attained by the system [of proportional representation], but, in view of the tendency of some advocates of the

plan to claim for it the benefits of a panacea, it is not superfluous to observe that disproportionate representation is not the sole, not the most potent, cause of legislative defects.—*A. Lawrence Lowell*. “*Public Opinion and Popular Government*.” p. 123.

It is the weak point in the theory of representative government, as now organized and administered, that a large portion of the voting people are permanently disfranchised. There are about ten thousand Democratic voters in my district, and they have been voting there for the past forty years without any more hope of having a representative on this floor than of having one in the Commons of Great Britain.—*James A. Garfield in a speech in Congress, June 23, 1870*.

Municipal progress and policies would be more consistent and continuous [under proportional representation], for at each election a change of position on the part of a few voters would not completely change the character of the city government, but would simply make it a little more conservative or a little more radical than it had theretofore been. Progress, not mere fluctuation, would result.—*George H. Dunlop*. *National Municipal Review*. 3:93. *January, 1914*.

The Hare proportional representation plan has not been satisfactory [in Ashtabula]. It is blamed at present (1920) for having produced the kind of council that the city now has. Two Italians and one Swede are on the present council and it is stated that the Italian representation is out of proportion to the number of Italians in the city. One member of the council stated, on the morning after a long and wearisome session held to discuss the street car situation, that certain members of the council did not seem to be able to comprehend such terms as “sinking fund” and “depreciation.” Certainly

the Ashtabula council is not giving entire satisfaction.—*Earl W. Crecraft. National Municipal Review. 9:624. October, 1920.*

Every thinking man who has the slightest acquaintance with our political affairs knows that the present method of electing representatives is such as gives the dishonest a great advantage over the honest. He knows that by being cooped up in arbitrary districts a large part of the voters are as helpless and are as little concerned with the choice of their law-makers as is the Russian peasant. And it must be equally apparent upon investigation that the quota system is a complete cure for these evils; that with scarcely a perceptible change in present laws and customs the political slave-pen can be abolished, and every citizen brought into touch with the government.—*Stoughton Cooley. New England Magazine. n.s. 8:121. March, 1893.*

In theory we all share, and share alike in the government of municipality, state, and nation; but actually it isn't so and can't be, so long as we continue to be satisfied with outworn methods of election that virtually disfranchise all but the largest organized group in every election district. I have just been examining the figures for the last election of the New York City Board of Aldermen to find evidence of this statement for the New York Charter Commission. Of course the evidence was there. You can find plenty of it if you examine almost any election of representatives that is not conducted by proportional representation. Here is a little of what I found.

251,147 Democratic voters elected 33 of the 65 Aldermen.  
 348,499 other Democratic voters elected 18 of the 65 Aldermen.  
 505,195 other Democratic voters elected 14 of the 65 Aldermen.  
 251,147 of the city's Democratic voters elected a majority of the  
 Aldermen.  
 258,687 of the city's Republican voters elected no one at all.

The total number of persons of all three parties—Republican, Democratic and Socialist—who voted for unsuccessful candidates and are therefore without representation on the Board of Aldermen is 469,163, or 42½% of the total number of voters. A government constituted on such an absurd basis can hardly hope to speak with authority for all the people or to legislate to their satisfaction.—*George H. Hallett, Jr.*

The spread of the system of proportional representation during the last ten or fifteen years [1895-1910] has been very encouraging to its advocates, but as yet it has not made good its claim to general acceptance. It is advocated by some visionary persons as a remedy for all the ills of society; and the more ultra democratic element of the population demand it for the reason that it is a step in the direction of more perfect democracy. Many able writers, however, condemn the principle of minority representation and maintain that the majority system is the true principle and is liable to fewer dangers. Sidgwick, for example, points out two "serious objections" to the system of minority representation. In the first place, the giving of representation to groups as such involves the loss of a valuable protection against demagoguery by removing the "natural inducements which local divisions give for the more instructed part of the community to exercise their powers of persuasion on the less instructed." In the second place, representation by groups, he says, "will inevitably tend to encourage pernicious class legislation." In the third place, it will tend to reduce the standard of efficiency in the legislature by securing the election of men who represent one set of interests or opinions rather than all of them. "We want for legislators," says Sidgwick, "men of some breadth of view and variety of ideas, practiced in comparing different claims and judgments, and endeavoring to find some compromise that will harmonize them as far as pos-



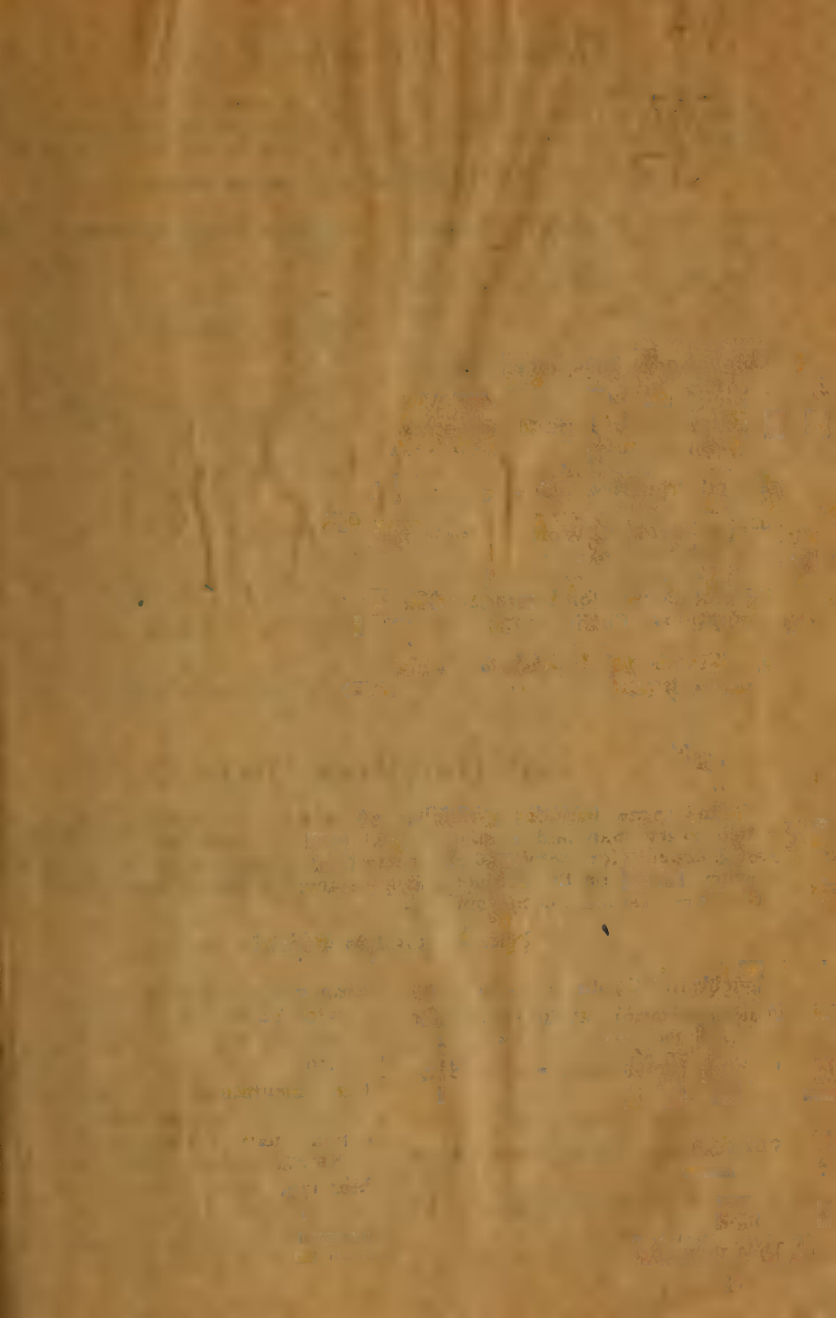
sible," which can hardly be secured under a system in which the community is not locally divided for electoral purposes. "To establish the system of proportional representation," says Esmein, "is to convert the remedy supplied by the bicameral system into a veritable poison; it is to organize disorder and emasculate the legislative power; it is to render cabinets unstable, destroy their homogeneity and make parliamentary government impossible." If applied to parliamentary elections, logic and consistency, he goes on to say, require that it shall be applied to the election of executives and administrative officers, and this is but the entering wedge to anarchy.—*James W. Garner. "Introduction to Political Science."* p. 468-9.

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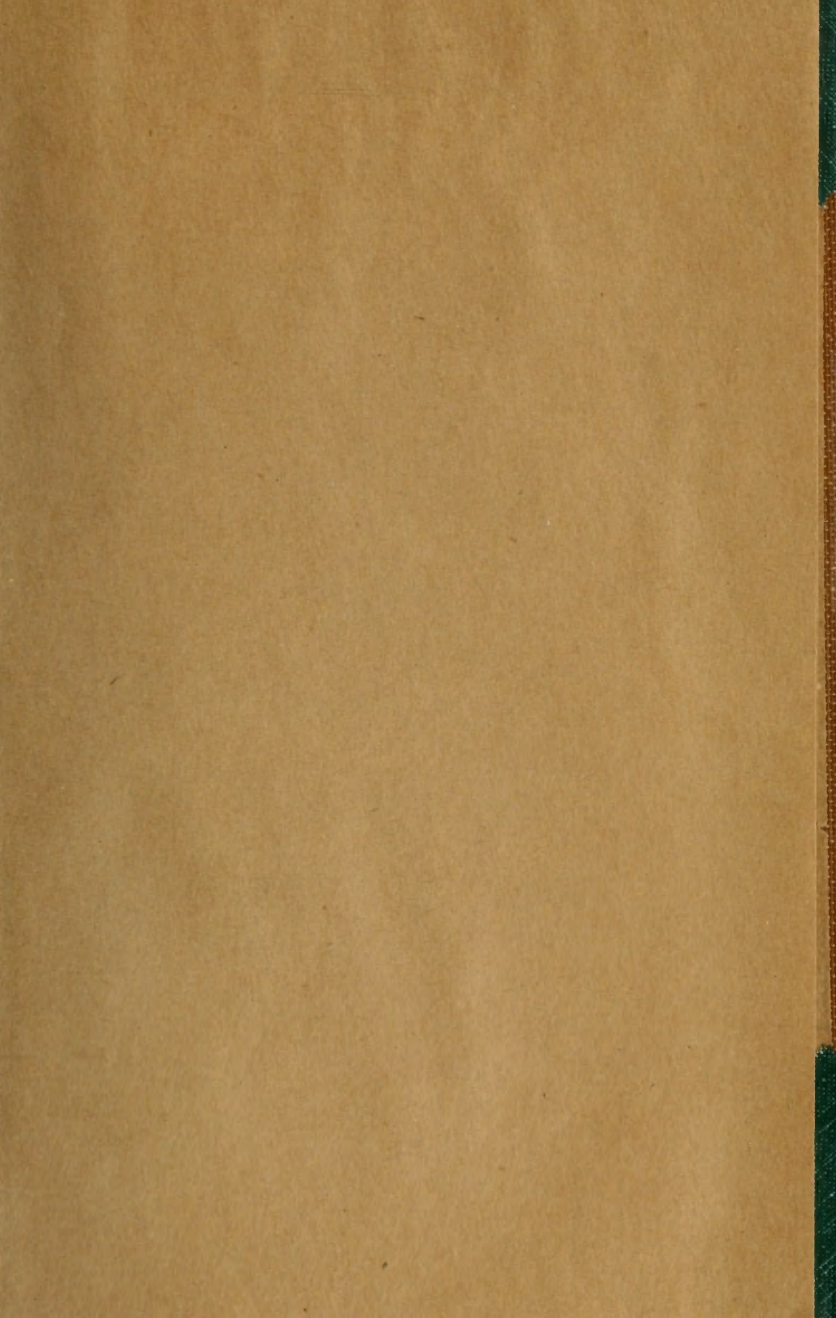
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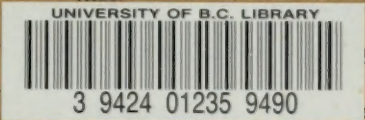
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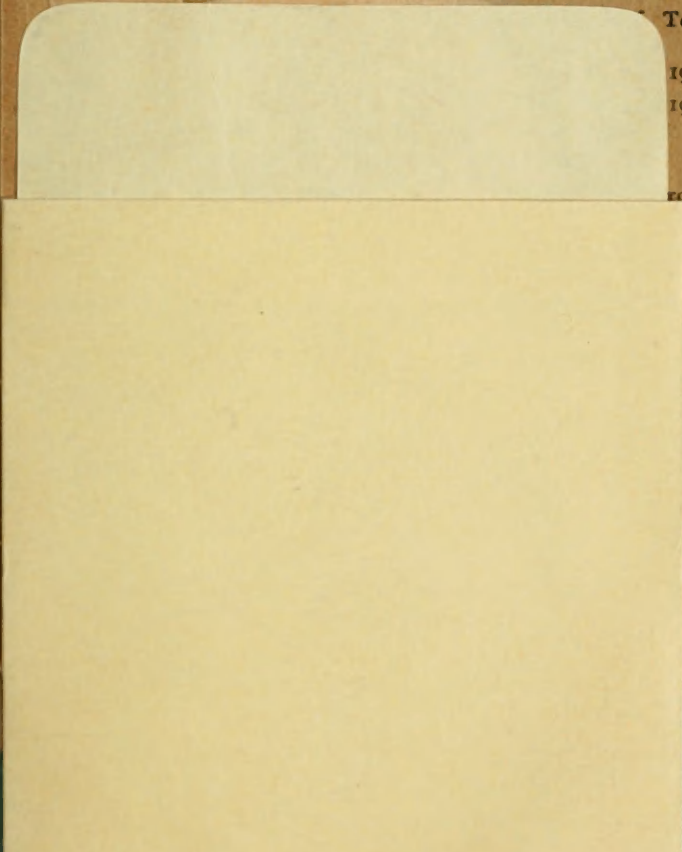
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